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MENDOCINO COUNTY

DIVISION OF LAND REGULATIONS

Chapter 17 of the Mendocino County Code

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DIVISION OF LAND REGULATIONS

CHAPTER 17

ARTICLE 1. PURPOSE AND EFFECT

- Sec. 17-01.
- Sec. 17-02
- Sec. 17-03
- Sec. 17-04 Advisory Agency
- Sec. 17-05
- Sec. 17-06
- Sec. 17-07
- Sec. 17-08
- Sec. 17-09
- Sec. 17-10
- Sec. 17-11
- Sec. 17-12
- Sec. 17-13
- Sec. 17-14
- Sec. 17-15
- Sec. 17-16

ARTICLE 11. DEFINITIONS

- Sec. 17-17 Division of Land
- Sec. 17-18 Subdivision
- Sec. 17-19 Parcel Division
- Sec. 17-20 Minor Division
- Sec. 17-21 Map Act
- Sec. 17-22 Owner
- Sec. 17-23 Subdivider
- Sec. 17-24 Parcel
- Sec. 17-25 Lot
- Sec. 17-26 Tentative Map
- Sec. 17-27 Parcel Map
- Sec. 17-28 Final Map
- Sec. 17-29 Record of Survey Map
- Sec. 17-30 Reversion to Acreage Map
- Sec. 17-31 Street
- Sec. 17-32 General Plan
- Sec. 17-33 Engineer
- Sec. 17-34 Soil Engineer
- Sec. 17-35 Surveyor
- Sec. 17-36 Qualified Fire Officer
- Sec. 17-37 Easement
- Sec. 17-38 Improvement
- Sec. 17-38.5 Design
- Sec. 17-39 May and Shall

ARTICLE III — SPECIFIC PROCEDURES FOR PROCESSING A SUBDIVISION

- Sec. 17-40
- Sec. 17-41 Tentative Map
- Sec. 17-42 Improvement Plans
- Sec. 17-43 Final Map

ARTICLE IV — SPECIFIC PROCEDURES FOR PROCESSING A PARCEL DIVISION

- Sec. 17-44

DIVISION OF LAND REGULATIONS

- Sec. 17-45 Tentative Map
- Sec. 17-46 Parcel Map

ARTICLE V — SPECIFIC PROCEDURES FOR PROCESSING A MINOR DIVISION

- Sec. 17-47
- Sec. 17-48 Tentative Map
- Sec. 17-49 Parcel Map

ARTICLE VI — GENERAL REGULATIONS AND PROVISIONS

- Sec. 17-50 Applicability
- Sec. 17-51 General Plan
- Sec. 17-52 Lot and Block Design and Configuration
- Sec. 17-53 Lot Access
- Sec. 17-54 Private Roads
- Sec. 17-55 Water Supply and Distribution Systems
- Sec. 17-56 Sanitary Sewer Systems
- Sec. 17-57 Drainage and Water Courses
- Sec. 17-58 Utilities
- Sec. 17-59 Utility Easements
- Sec. 17-60 Street Lighting
- Sec. 17-61 Alleys
- Sec. 17-62 Walkways
- Sec. 17-63 Hazardous Areas
- Sec. 17-64 Fire Protection Features
- Sec. 17-65 Ocean and Lake Access — Express Dedication

ARTICLE VII — IMPROVEMENT STANDARDS

- Sec. 17-66 Street and Drainage Improvements
- Sec. 17-67 Water Supply and Distribution Systems
- Sec. 17-68 Sanitary Sewer Systems
- Sec. 17-69 Fire Protection Features
- Sec. 17-70 General
- Sec. 17-71 Inspection
- Sec. 17-72 Monumentation

ARTICLE VIII — AGREEMENTS AND BONDS FOR IMPROVEMENTS

- Sec. 17-73 Requirement of Subdivision Improvement Agreement
- Sec. 17-74 Contents of Agreement
- Sec. 17-75 Additional Terms
- Sec. 17-76 Progress Payments, Releases, and Time Extensions
- Sec. 17-77 Acceptance Not Evidence of Performance or Partial Acceptance
- Sec. 17-78 Inspection and Maintenance Agreement

ARTICLE IX — FEES

- Sec. 17-79 Tentative Map filing Fee
- Sec. 17-80 Final Map Filing Fee
- Sec. 17-81 Reversion to Acreage Filing Fee
- Sec. 17-82 Parcel Map Filing Fee
- Sec. 17-83 Improvement Plan Specification Checking and Construction Inspection Fee
- Sec. 17-84 No Refund
- Sec. 17-85 Amendment of Fees By Resolution

ARTICLE X — VARIANCES

- Sec. 17-86 Application
- Sec. 17-87 Planning Commission Action
- Sec. 17-88 Board of Supervisors Action

DIVISION OF LAND REGULATIONS

ARTICLE XI — APPEAL

- Sec. 17-89 Notice
- Sec. 17-90 Report
- Sec. 17-91 Hearing

ARTICLE XII — PENALTIES

- Sec. 17-92

ARTICLE XIII — SEVERABILITY

- Sec. 17-93 Severability

ARTICLE XIV — BUILDING AND HEALTH PERMITS FOR ILLEGAL LOTS

- Sec. 17-94 Land Division Violation Committee
- Sec. 17-95 Building and Health Permits
- Sec. 17-96 Imposing Reasonable Conditions
- Sec. 17-97 Appeal

ARTICLE 1 - PURPOSE AND EFFECT.

Sec. 17 - 01.

This Chapter is enacted for the purpose of promoting the public health, safety, convenience, and general welfare in accordance with the general plan of the County of Mendocino, including but not limited to the elimination of:

- (A) The creation of lots of inadequate size and poor design;
- (B) The creation of building sites in areas where topography, flooding, or other factors will prevent safe, orderly, and beneficial land development;
- (C) The creation of roads of improper width, alignment, grade, and improvements;
- (D) Hazards to life or property from sewage effluent or inadequate drainage.
- (E) The lowering of property values and the loss of opportunity for satisfactory overall development of neighborhoods caused by successive, uncontrolled and haphazard land divisions.
- (F) The excessive cost to taxpayers of Mendocino County for providing services within the Subdivision.

Sec. 17 - 02.

Additionally this Chapter is enacted for the purpose of adopting standards, regulations, and procedures for the division of land in the unincorporated area of Mendocino County as authorized by applicable provisions of State Law.

Sec. 17 - 03.

This Chapter provides for the division of land in accordance with provisions for three primary classifications, which are: SUBDIVISIONS, PARCEL DIVISIONS, AND MINOR DIVISIONS, each of which is defined herein. It also provides for the REVERSION to ACREAGE of lands previously divided.

Sec. 17 - 04. Advisory Agency.

The Mendocino County Planning Commission and the Mendocino County Minor Division Committee are hereby designated to be the advisory agencies of Mendocino County and are hereby charged with the duties of making investigations and reports and doing such other acts as are more fully set forth in this chapter and by law. (Ord. No. 1078, adopted 1973.)

Sec. 17-05.

The Board of Supervisors is hereby designated to be the APPEAL BOARD to hear and make determinations upon appeals from actions of the Planning Commission with respect to tentative maps and of the kinds, nature and extent of improvements required as a condition of Planning Commission approval.

Sec. 17-06.

The Director of Planning shall be responsible for processing Tentative Maps for all types of land division; for notifying and furnishing information to interested persons and agencies; for coordination, accumulation and presentation of data to the Planning Commission and Board of Supervisors; for making recommendations relating to the overall design of land divisions including land for recreational purposes and for assuring compliance of the provisions of this Chapter as pertaining to Tentative Maps.

Sec. 17-07.

The County Road Commissioner shall be responsible for making recommendations pertaining to streets, improvements within street rights of way, and drainage affecting streets.

Sec. 17-08.

The County Health Officer shall be responsible for making recommendations pertaining to water supply, sewage disposal, and other matters affecting the general health of the public.

Sec. 17-09.

The County Building Inspector or his authorized representative shall be responsible for making recommendations pertaining to grading, stability, and erosion control of soil as such shall pertain to lot access and building sites.

Sec. 17-10.

The County Engineer shall be responsible for making recommendations pertaining to geological, drainage, or flooding conditions which affect the general welfare of the public.

Sec. 17-11.

The Qualified Fire Officer shall be responsible for making recommendations pertaining to fire prevention and protection.

Sec. 17-12.

The County Sheriff shall be responsible for making recommendations pertaining to crime prevention and public safety.



Sec. 17 - 13.

The County School Superintendent, or the Superintendent within which District the proposed division of land is located, shall be responsible for making recommendations pertaining to school needs and school site locations.

Sec. 17 - 14.

Each of the above mentioned officials (17-07 thru 17-13) shall submit their recommendation to the Director of Planning for submission to the Planning Commission and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections, with regards to the matters for which they are responsible, to assure compliance with the requirements of this Chapter and the conditions of approval of a Tentative Map.

Sec. 17 - 15.

The County Surveyor shall be responsible for processing Final Subdivision and Parcel Maps, for coordinating approval of the various officials involved, and for presentation of the Final Map to the Board of Supervisors.

Sec. 17 - 16.

It shall be unlawful for any individual, firm, association, syndicate, co-partnership, trust, or any other legal entity, as a principal, agent, or otherwise, knowingly to offer to sell, to contract to sell, or to sell, or lease, or transfer, or otherwise assign for financing or other purposes, any proposed subdivision or other division of land or any part thereof in the County of Mendocino unless and until all the requirements hereinafter provided have been complied with.

Sec. 17 - 17.

(A) DEFINITION. "Division of Land" is the division of any real property, improved or unimproved, which is divided for the purpose of sale, lease, financing, gift, conveyance, transfer, or any related purpose, whether immediate or future, into two (2) or more parcels, and refers to the real property or portion thereof so divided. (Ord. No. 820, adopted 1971, as amended by Ord. No. 969, adopted 1972.)

(B) EXCLUSIONS. "Division of Land" does not include, nor shall this Chapter apply to, (1) the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park; (2) mineral, oil, or gas leases; (3) land dedicated for cemetery purposes under the Health and Safety Code of the State of California; (4) the conveyance or transfer of land or any interest therein to the United States, county, city, school district, special district, or public utility; (5) to the extent not inconsistent with the Subdivision Map Act, the conveyance or transfer of land made or required by court decree; (6) the conveyance, transfer, creation, or establishment of an easement for sewer, water, or gas pipelines and appurtenances, or electrical or telephone poles and lines and appurtenances, or drainage, or private road purposes; and (7) a lot or parcel of land released from a deed of trust where the owner of record remains unchanged; for the purpose of this exception, the division of land shall be deemed to occur upon a sale of such parcel or parcels to others than the parties to the Deed of Trust. (Ord. No. 1078, adopted 1973.)



(C) CONDOMINIUMS. "Division of Land" does include a condominium project, as defined in Civil Code Section 1350, containing three or more condominiums as defined in Civil Code Section 783; and a community apartment project, as defined in Business and Professions Code Section 11004, containing three or more apartments.

(D) CONTIGUITY. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights of way. (Ord. No. 969, adopted 1972.)

(E) CUMULATION OF PARCELS. The following rules shall apply for computing the number of parcels being created at the time of a division of land:

(1) In addition to the parcel or parcels being created, there shall be counted as a parcel every parcel contiguous to that being created, or contiguous to a parcel created subsequent to April 27, 1971, which has at any time subsequent to the aforesaid date been sold, leased, financed, given, conveyed, transferred, owned, or retained by the owner or subdivider.

(2) For the sole and limited purpose of determining whether a division of land is to be processed as a minor division, or as a subdivision or parcel division, there shall be counted as a parcel every parcel contiguous to that being created, or contiguous to a parcel created subsequent to September 20, 1963, which has at any time between that date up to and including April 27, 1971, been sold, leased, financed, given conveyed, or transferred by the owner or subdivider unless (a) the subdivider and the owner at the time of creating such parcel or parcels had no present intent to create any additional parcels out of contiguous property, and (b) the subdivider and the owner execute and file with the Director of Planning a notarized affidavit to that effect on a form to be prescribed by him. This rule is subject to the condition that, if the minor division committee or District Attorney determines there are facts which reasonably warrant a suspicion that the subdivider or owner had the aforesaid present intent to create any additional parcel or parcels, the filing of an affidavit shall be deemed to have no legal effect until the subdivider and the owner sustain the burden of presenting clear and convincing evidence reasonably proving to the satisfaction of the District Attorney the lack of such present intent to create any additional parcel or parcels. (Ord. No. 969, adopted 1972.)

(F) MERGERS. Property shall not be deemed to be 'divided' or a division of land if the portion to be sold, leased, financed, given, conveyed, or transferred (1) has been previously approved in its exact boundaries and area by the county pursuant to its subdivision ordinance or its land division ordinance, or (2) has the exact boundaries and area as when acquired by the present owner, provided, however, in said latter case that such portion was not acquired from any previous owner who, subsequent to September 20, 1963, at any time had any ownership interest in, or at any time acted as a direct or indirect agent for an owner having an ownership interest in, any property contiguous to such portion. (Ord. No. 969, adopted 1972.)

Sec. 17 - 18.

(1) "Subdivision" is a division of land into five (5) or more lots or parcels which does not qualify as a Parcel Division and refers to the land or portion thereof so divided. (Ord. No. 1013, adopted 1972)

(2) "Resubdivision" is the rearrangement of any interior lots, lot boundary lines, easements, rights of way, or other lines shown or delineated on a final map of a subdivision of record. (Ord. No. 1013, adopted 1972.)

Sec. 17 - 19.

"Parcel Division" is a division of land into five or more lots or parcels, and refers to the land or portion thereof so divided, where the Planning Commission finds that the proposed division conforms to adopted plans, standards, provisions of law and that one of the following conditions prevails.

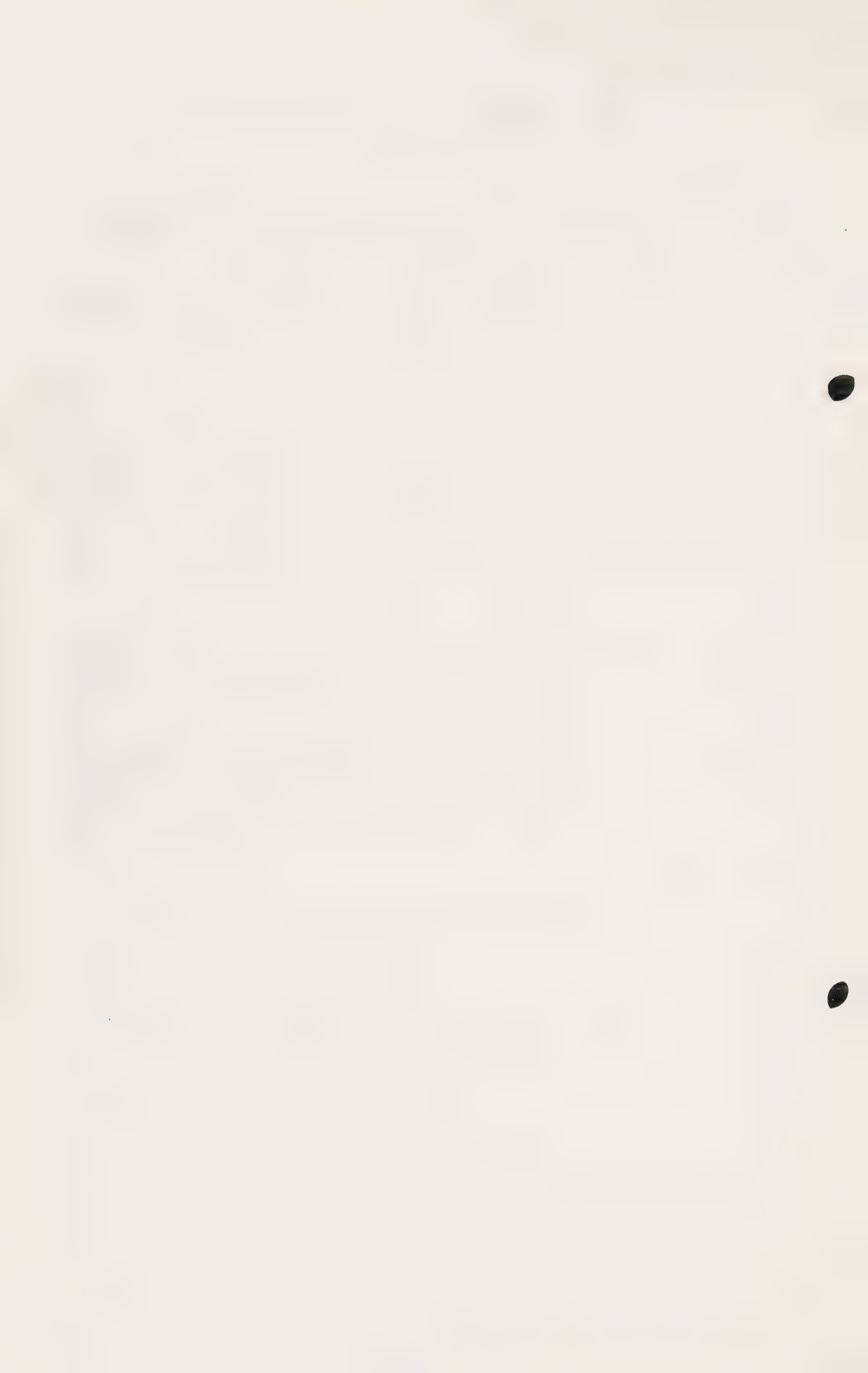
- (a) The whole parcel before division contains less than five acres, each lot or parcel created by the division abuts upon a public maintained street or highway, and no dedications or improvements are required.
- (b) The division results in parcels each with a gross area of Twenty (20) acres or more and each of which has an access approved by the Planning Commission to a public maintained street or highway.
- (c) The parcel or parcels of land being divided have approved access to a public maintained street or highway. They comprise part of a tract of land zoned for industrial or commercial development and the proposal receives approval of the Planning Commission as to access, street alignments and widths, and other improvements.

Sec. 17 - 20.

"Minor Division" is a division of land into two, three, or four lots or parcels.

Sec. 17 - 21.

"Map Act" means the Subdivision Map Act of the State of California, as set forth in the Business and Professions Code.



Sec. 17-22.

“Owner” means the individual, firm, association, syndicate, co-partnership, corporation, trust, group, or any legal entity having sufficient proprietary interest in the land sought to be divided to commence and maintain proceedings to subdivide the same under the provisions of this Chapter.

Sec. 17-23.

“Subdivider” means any individual, firm, association, syndicate, co-partnership, corporation, trust, group, or any legal entity commencing proceedings under the provisions of this Chapter to effect a division of land hereunder for himself or for another, or causing a division of land for himself or for others.

Sec. 17-24.

“Parcel” means a unit of land held by one owner as herein defined.

Sec. 17-25.

“Lot” means a parcel of land held by one owner as herein defined and capable of being used under the regulations of this Chapter and the Mendocino County Zoning Ordinance.

Sec. 17-26.

“Tentative Map” refers to a map made for the purpose of showing the design of a proposed division of land and the existing conditions in and around it. The map shall be prepared in sufficient detail to meet the requirements for filing as prescribed herein.

Sec. 17-27.

“Parcel Map” refers to a map prepared from existing data, field engineering data, or a combination thereof, in accordance with the provisions of this Chapter and the Map Act.

Sec. 17-28.

“Final Map” refers to a map prepared for filing in accordance with the provisions of this Chapter and the Map Act, which map is designed to be placed on record in the office of the Mendocino County Recorder.

Sec. 17-29.

“Record of Survey Map” refers to a map prepared for filing in accordance with provisions of the Land Surveyors Act for the purpose of establishing or correcting existing land boundaries, property lines, and easements.



Sec. 17-30.

"Reversion to Acreage Map" refers to a map prepared in accordance with the provisions of the Map Act and this Chapter for purposes of reverting previous division of lands to acreage.

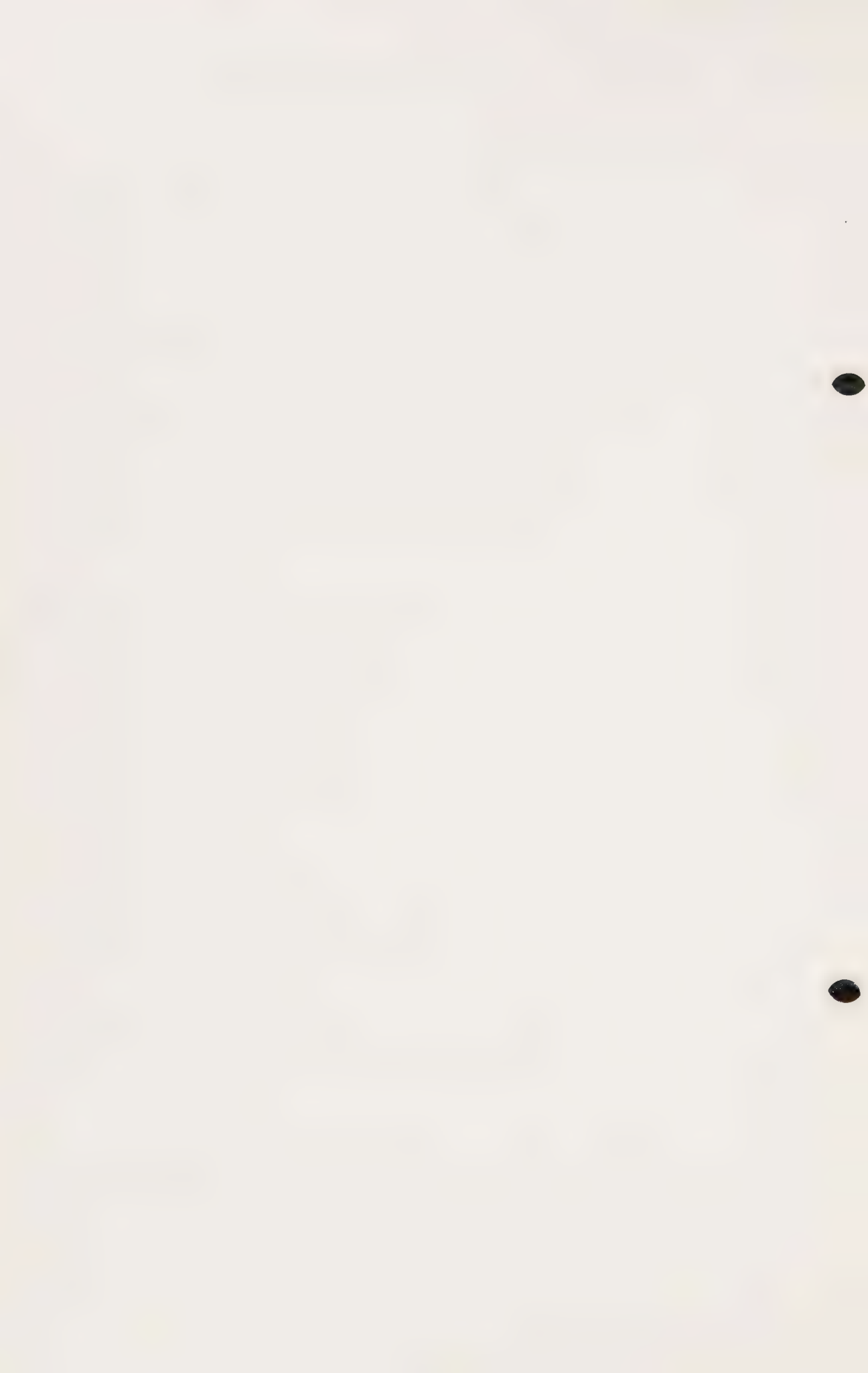
Sec. 17-31.

"Street" refers to a parcel designated according to the provisions of this Chapter to provide a traveled way for vehicular traffic and access to abutting property and shall include the following definitions within its definition:

- (A) "Road" means a way vehicular traffic, whether designated as a street, highway, thoroughfare, road, alley, avenue, boulevard, land, place, court, circle, drive or way, which has been dedicated for public use and accepted by the County, or has been laid out and constructed as a County Road by the County, or has been made a public road pursuant to law. "Road" includes public roads constructed by Federal and State agencies, but not private roads or private alleys.
- (B) "Private Road" means a way for vehicular traffic, however designated, which is not intended to be acceptable by the County, and for which any offer of dedication or other offer for acceptance by the County shall be rejected until such time as specified conditions for future acceptance have been fully complied with.
- (C) "Arterial" is a street of general City-County importance which is a limited access street carrying major traffic through several areas.
- (D) "Major Street" is a street of primary importance to traffic circulation between major traffic generators within a given area of the County.
- (E) "Collector Street" is a street which collects traffic from Local, Loop or Cul-de-Sac Streets and additionally provides access to lots.
- (F) "Local Street" is a street with a projected traffic count of 100-500 ADT., used primarily for access to abutting properties.
- (G) "Loop" or "Cul-de-Sac" is a single loop or dead end street providing access to less than twenty (20) lots. Maximum length of a cul-de-sac street shall be 600 feet. Maximum length of a loop street shall be 1200 feet.

Sec. 17-32.

"General Plan" means that comprehensive, long term general plan adopted by the County of Mendocino pursuant to Section 65,300 et seq of the Government Code.



Sec. 17-33.

“Engineer” means a Civil Engineer competent to practice Civil Engineering as defined in Section 6731, and registered under the provisions of, the Business and Professions Code of the State of California, who is retained by the Subdivider, Owner, Developer or Contractor to provide civil engineering services.

Sec. 17-34.

“Soil Engineer” means a Civil Engineer registered in the State of California with a specialty and experience in the investigation and analysis of soils

Sec. 17-35.

“Surveyor” means a Land Surveyor licensed under the Land Surveyors Act of the State of California or a Civil Engineer registered in the State of California who is retained by the Subdivider, Owner, Developer or Contractor to provide land surveying services.

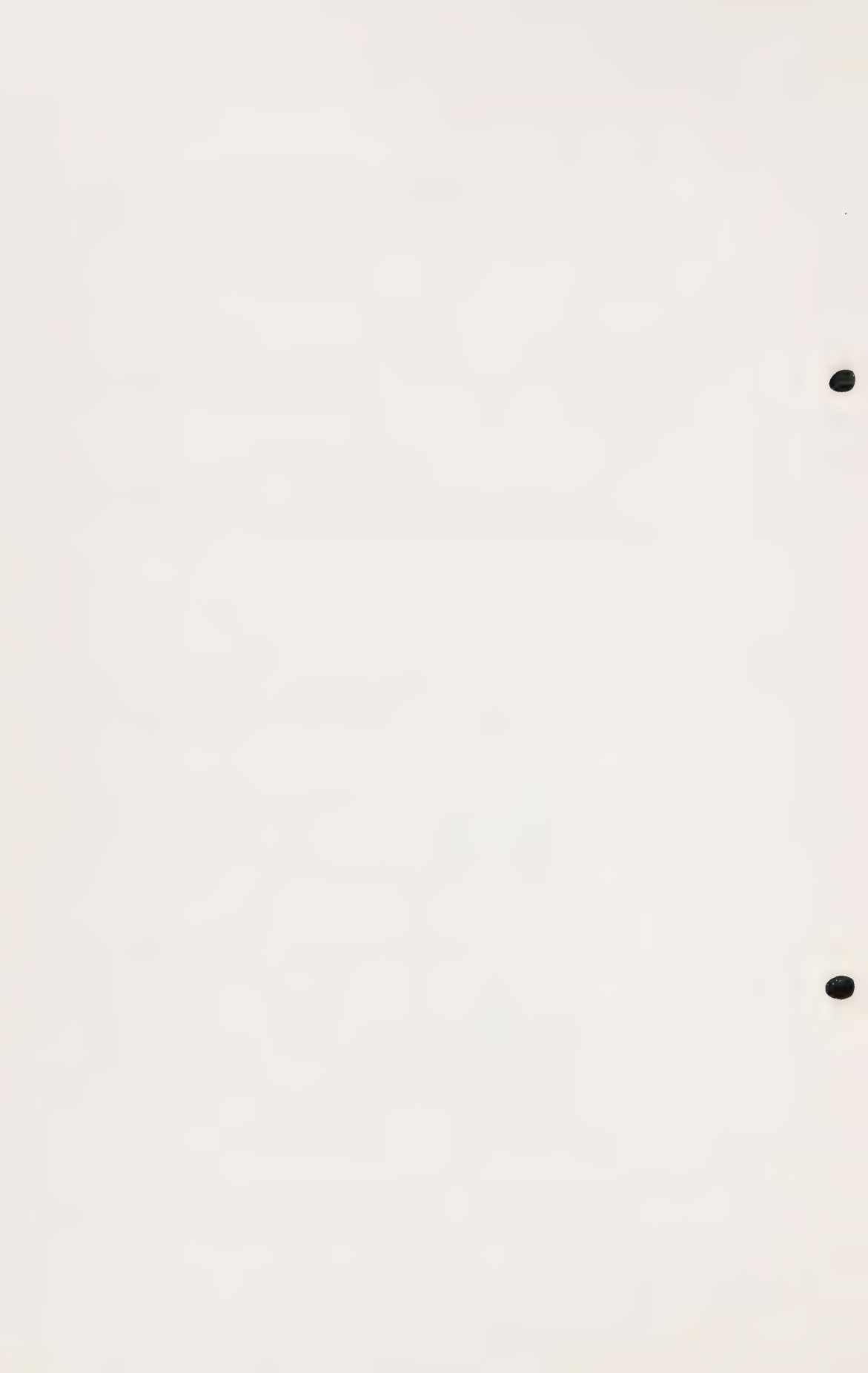
Sec. 17-36.

“Qualified Fire Officer” means:

- (A) In areas defined as “state responsibility lands” by Section 4127 and 4126 of the Public Resources Code of the State of California, the “qualified fire officer” shall be the state forest ranger in charge of the Mendocino Ranger Unit of the California Division of Forestry
- (B) In areas of “local responsibility”, as defined by Section 4127 of the Public Resources Code of the State of California, the qualified fire officer shall be the fire chief of a legally organized local fire department within the boundaries of a legal fire district, county service area, or utility district
- (C) In areas where joint fire protection responsibility exists (State and local), submission of the fire prevention and protection recommendations shall be the responsibility of the State forest ranger in charge of the Mendocino Ranger Unit of the California Division of Forestry, who will make such recommendations after consultation with the fire Chief of the Fire department of the legally constituted fire district where the proposed subdivision is to be located. The state forest ranger’s report to the Planning Commission shall reflect the advice and counsel of said local fire chief.

Sec. 17-37.

“Easement” means a permanent right of access or use of land for a specific purpose.



Sec. 17 - 38

"Improvement" refers to such street work, drainage facilities and utilities, or other improvements to be installed or agreed to be installed by the Subdivider on the land to be used for street, private roads, or easements as are necessary for the general use of the lot or parcel owner within the division of land and the surrounding area as a condition precedent to approval and acceptance of the Final Map or Parcel Map thereof.

(a) "Improvement" also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of all applicable general and specific plans of Mendocino County. (Ord. No. 969, adopted 1972.)

Sec. 17 - 38.5

"Design" refers to street alignment, grades and widths, alignment and widths of easements and rights of way for drainage and sanitary sewers, and minimum lot area and width. 'Design' also includes land to be dedicated for park or recreational purposes. (Ord. No. 969, adopted 1972.)

(a) "Design" also refers to such specific requirements in the plan and configuration of the entire land division as may be necessary or convenient to insure conformity to or implementation of all applicable general and specific plans of Mendocino County. (Ord. No. 969, adopted 1972.)

Sec. 17 - 39.

For the Purpose of this Chapter, "Shall" is mandatory ; "May is permissive.

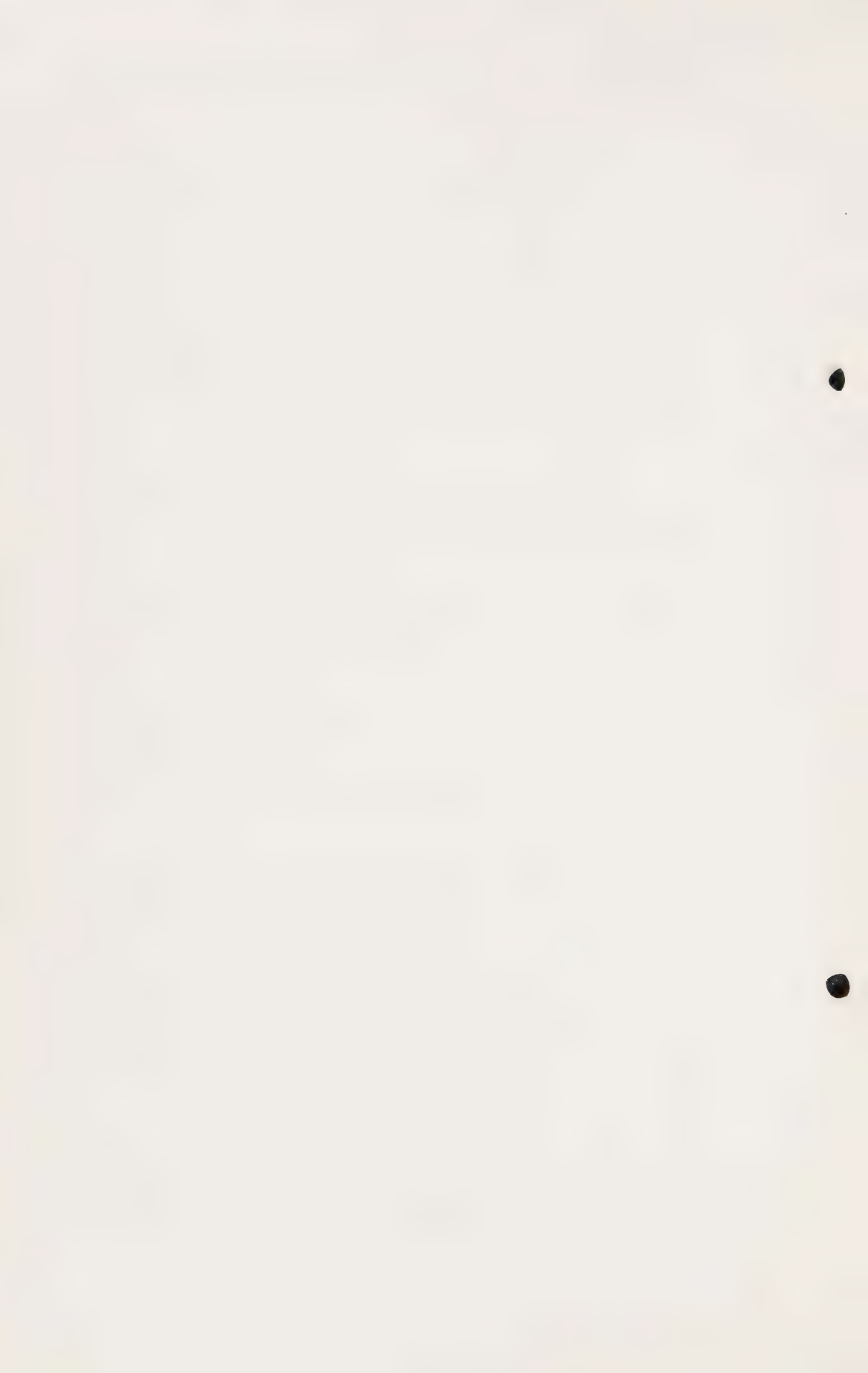
**ARTICLE III—SPECIFIC PROCEDURES FOR
PROCESSING A SUBDIVISION****Sec. 17 - 40.**

The following procedure shall be used to accomplish and shall apply to any division of land defined as a subdivision, resubdivision, or minor division wherein the proposed minor division of land constitutes a division of any lot or parcel within a subdivision of record. (Ord. No. 1013, adopted 1972.)

(A) IN-LIEU PROCEDURE FOR 160-ACRE LOTS. The procedure required by Article V of this Chapter for the processing and approval of 'minor divisions' may be used in lieu of the procedure set forth in Article III for the processing and approval of any subdivision in which each lot or parcel created has a minimum gross area of 160 acres or more or each of which is a quarter section or larger as determined by government survey, such a subdivision to be deemed included within the meaning of the term 'minor division' wherever used in Article V. (Ord. No. 1078, adopted 1973.)

Sec. 17 - 41.

TENTATIVE MAP. The initial action in connection with the making of a subdivision shall be the preparation and submission of a tentative map. The map shall be prepared in conformance with the provisions of this Article and shall comply with the General Subdivision Regulations and Provisions as contained in Article VI of this Chapter.



- (A) **FORM.** The tentative map shall be clearly and legibly drawn. The minimum sheet size shall be 18x26 inches. The minimum scale shall be one inch equals one hundred feet unless otherwise approved by the Director of Planning.
- (B) **CONTENT.** A tentative map shall contain the following information:
 - (1) A site location sketch indicating the location of the proposed division of land in relation to the surrounding area and an ownership sketch showing all land contiguous to the land proposed for division in which the subdivider or his agent or joint venturer has held within the past five (5) years any ownership interest.
 - (2) Names of all contiguous subdivisions.
 - (3) A distinctive tract name, which shall be subject to the approval of the Planning Commission, and a tentative map number when required by the Director of Planning.
 - (4) Date map was prepared, north point, and scale.
 - (5) Name and address of owner; subdivider; and engineer, surveyor, or person who prepared the map.
 - (6) A red border on the prints to indicate the division of land boundaries with sufficient data or a legal description to define the boundaries of the land to be divided.
 - (7) Indications as to the probable units of the tentative map.

- (8) Locations, names, existing widths, approximate gradients and approximate curve radii of all existing streets through adjacent, or abutting the proposed division of land, together with their status as public or private roads and the type and location of street improvements thereon.
- (9) Locations, names, widths, approximate gradients, and approximate curve radii of all proposed streets within the division of land.
- (10) Approximate elevation at all street intersections.
- (11) The approximate width and location of all proposed or existing easements together with the purpose thereof.
- (12) Sufficient contours to determine the general slope of land, the high and low points thereof, and all significant drainage features. Contour interval shall not exceed five (5) feet.
- (13) The proposed lot lay-out, approximate dimensions, and approximate area of all lots or parcels. All proposed lots and parcels shall be numbered consecutively by units throughout the entire division of land.
- (14) The location and approximate dimension of all parcels to be offered for dedication together with the purpose therefore.
- (15) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed lot lines.
- (16) The approximate locations of areas subject to inundation; the approximate location of existing or proposed lakes, ponds, springs, or reservoirs; and the location, width, and direction of flow of all significant water courses existing and proposed to the same degree of accuracy that roads and other proposed improvements are shown.
- (17) The approximate location of property line fences, wells, cesspools, sewers, culverts, drainpipes, underground structures, overhead structures, major excavations, mining shafts, or other hazards within the area of the land to be divided or two hundred (200) feet adjacent thereto.
- (18) The location of test wells and percolation test holes, with adequate reference points for use by appropriate public agencies for field checking purposes.

(C) ACCOMPANYING STATEMENT. The following statements or information shall either appear on, or shall be submitted with the tentative map:

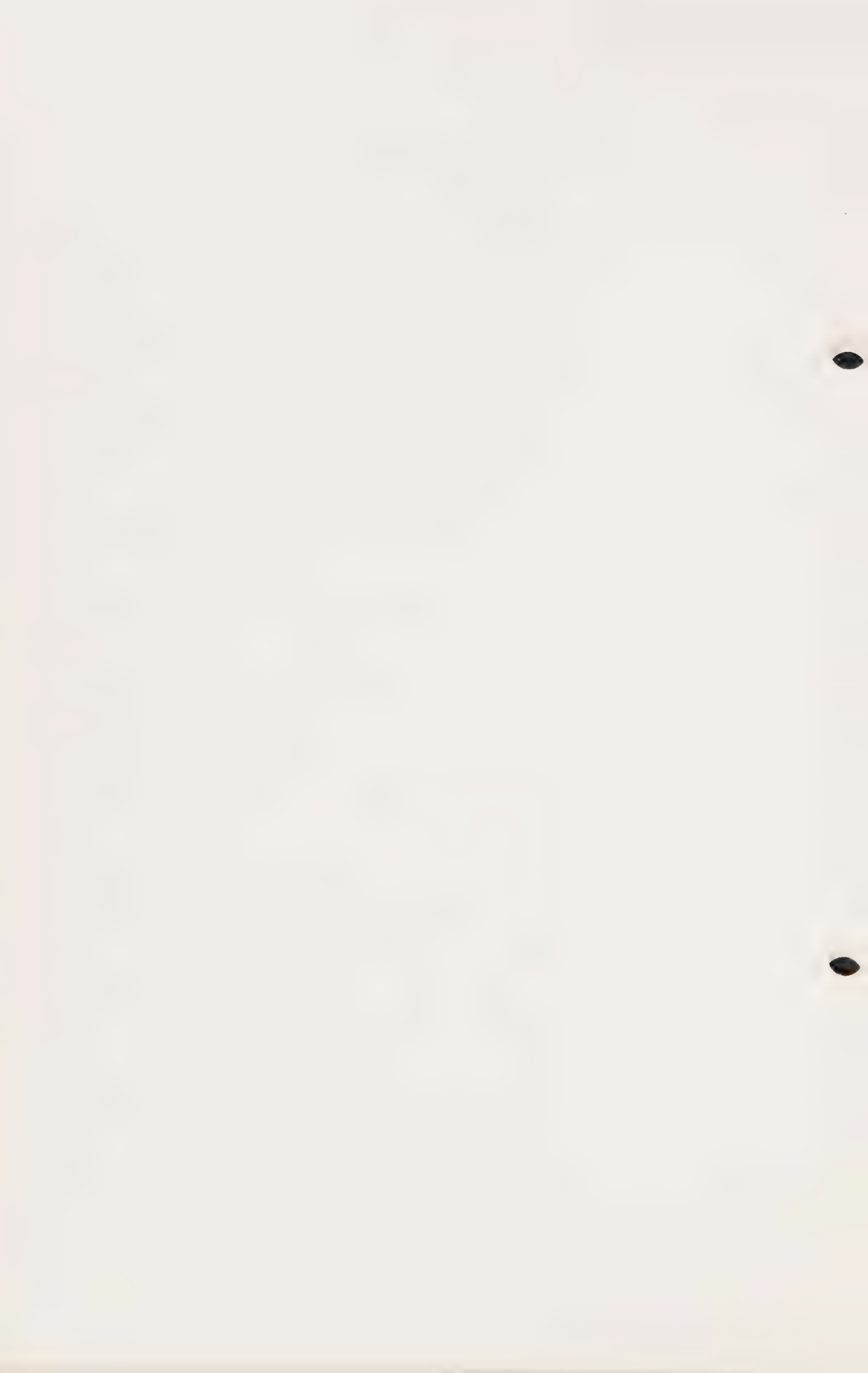
- (1) Existing use of the property.
- (2) Statement as to the proposed use of the property. If property is proposed to be used for more than one purpose, the area, lots or lot proposed for each type of use shall be shown on the tentative map.



- (3) Existing zoning of the parcel to be divided
- (4) The range of lot sizes to be developed.
- (5) Statement as to the source of domestic water to serve the proposed development.
- (6) Statement as to the system or method proposed to handle sewage disposal.
- (7) Detailed statement of improvements that are proposed to be made or installed and the time at which such improvements will be completed. Statement shall include, but not necessarily be limited to the following: Street improvements, drainage and flood control measures, water supply and distribution systems, sewage disposal systems, public utilities, and fire prevention and protection measures.
- (8) A statement from the Subdivider that the Subdivision improvements, including but not limited to streets, drainage facilities, and utilities to be made or installed can be constructed in accordance with applicable standards without encroaching upon lots or parcels not specifically designated for that purpose.
- (9) Statement regarding provisions to be made for park and recreation services, commercial services, schools and other public facilities.
- (10) Statement regarding any tree planting or beautification measures to be made.
- (11) List of and a statement providing justification and reason for any variances requested to provisions of this Chapter or Chapter 20 of the Mendocino County Code.

(D) ACCOMPANYING DOCUMENTS. The following documents shall be submitted with each tentative map:

- (1) A preliminary Title Report issued within 30 days of the map filing.
- (2) A copy of any condition or any restrictive reservations or covenants, existing or proposed, or a statement that none are proposed.
- (3) Where water is to be supplied by connection to an existing system, the subdivider shall submit a letter from an authorized officer of said system indicating a willingness and ability to provide adequate potable water for domestic purposes and other purposes as proposed in the planned improvements.
- (4) When no connection to an existing water system is to be made, the subdivider shall submit a feasibility report indicating the quantity and quality of water available at the proposed source. Said report shall determine, to the satisfaction of the County Health Officer, the feasibility of the proposed water supply.
- (5) When no connection to an existing sewer system is to be made, the subdivider shall submit a report prepared by a qualified person together with the factual data to support the findings of the report. Said report shall determine, to the satisfaction of the County Health Officer, the feasibility of the proposed system of sewage disposal.

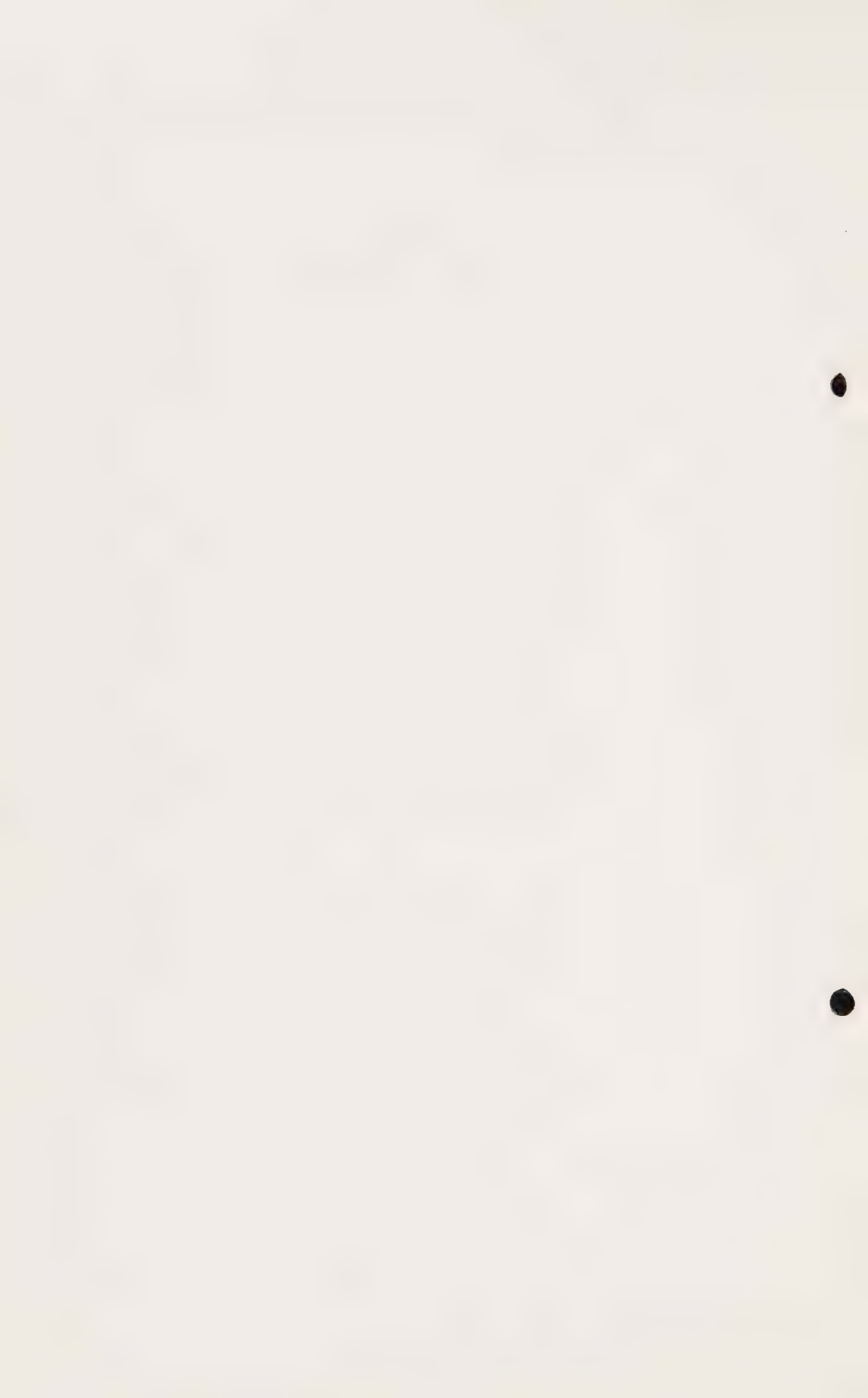


- (6) Either a statement by a Soil Engineer as to the feasibility of the proposed land development in relation to the geologic hazards and soil characteristics, or a preliminary geologic hazards and soil report based upon adequate test borings or excavations. The County Engineer may, on the basis of such statement or preliminary report, require a more extensive geological hazards report and a soil investigation.
- (7) When electric power or telephone service, either overhead or underground is to be supplied by connection to a public utility company system, the subdivider shall submit a letter from said public utility indicating that such service is available and that it can be provided in accordance with the proposed development.
- (E) FILING. Fifteen (15) prints and one reproducible copy of a tentative map of a proposed division of land and copies of the subdividers statement, together with all required documents and filing fees, shall be submitted to the Director of Planning at least 30 days prior to the date of the Planning Commission meeting at which action thereon is desired. A tentative map shall be officially submitted and so endorsed and dated at such time as the map and all related notations, statements, reports, and fees required by this Chapter have been submitted to and found to be complete and in proper form by the Director of Planning.
- (F) DATE OF FILING. The Director of Planning shall, within ten (10) days of receipt of a tentative map, determine whether or not the submission is complete. If he determines that the submission of a tentative map is not complete, he shall afford the opportunity to the subdivider to make the necessary changes and re-submit the tentative map together with all required data. Actual filing of the tentative map shall be deemed to be at the first regular meeting of the Planning Commission at which time the tentative map is presented.
- (G) PROCESSING. Upon the submission of a tentative map, the Director of Planning shall transmit signed and dated prints of the map and related documents to the County officials listed in Sections 17-07 thru 17-13 of this Chapter and to all such Governmental, Public utility, and other agencies as he determines do or may have interest therein. Each Department, official, or agency receiving a print of a tentative map and related, documents shall examine the same and within fourteen (14) days of receipt of said tentative map submit a written report to the Planning Commission thru the Director of Planning. Failure to submit said report shall be deemed as approval of the proposed division of land as submitted. A copy of each report shall be transmitted to the subdivider.
- (H) ADJACENT OWNERS. The Director of Planning shall notify all adjacent owners and owners within five hundred (500) feet of any proposed subdivision or parcel division of the date and time the tentative map will be presented to the Planning Commission for hearing.

- (I) **CONSIDERATION BY PLANNING COMMISSION.** The Planning Commission shall consider each tentative map and accompanying statements and documents together with the Department and agency reports to determine whether the map is in conformity with the provisions of law and this Chapter, with the General Plan, and with good planning and engineering practices.
- (J) **ECOLOGICAL CONDITIONS.** Ecological, natural, historical, and geographical matters may be taken into consideration in considering a tentative map and, when in the opinion of the Planning Commission or the Board of Supervisors, or either, such matters are of significant importance to ensure their preservation, such conditions may be adopted as a prerequisite to approval of any tentative map.
- (K) **CONDITIONS OF APPROVAL.** The Planning Commission may require as a condition of approval:
 - (1) The dedication of land for park or recreation purposes when the division of land creates more than twenty-five (25) lots. The proportion of land area to be dedicated shall not exceed five (5) per cent of the total area of the subdivision. The development of the park or recreational facilities shall begin when seventy-five (75) percentage of the lots of the subdivision have had a dwelling unit built upon them.
 - (2) Public Elementary School sites as provided by provisions of the Map Act.
 - (3) Public sites for fire stations, libraries, and other public uses and services.
 - (4) A waiver of direct access to any existing or proposed street.
- (L) **CONDITIONS OF APPROVAL.** The Planning Commission shall require that parcels, easements, or rights of way be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas, and communication services, as may be required to properly serve the land division and to conform with area plans. Easements for public utilities shall be limited to what is needed to provide service to present and future development.
- (M) **REASONS FOR DISAPPROVAL.** The Planning Commission may refuse to approve a tentative map when it finds that any one of the following conditions exist:
 - (1) The tentative map or the land division plan is not in conformity with provisions of law or this Chapter or the Land Division Plan is not in conformity with accepted Planning or Engineering standards or the County General Plan.
 - (2) The Department of Public Health Report indicates that the property is, or will become, unhealthful or unfit for human habitation or occupancy if developed as proposed.

- (3) The Preliminary Soils Report or Geologic Hazard Report indicated adverse soil or geologic conditions and the subdivider fails to provide sufficient information to the satisfaction of the County Engineer or Planning Commission that said conditions can be corrected or provided for in the Development Plan.
 - (4) The property is subject to periodic inundation.
 - (5) Cost to County Taxpayers, outweighs the advantages created by the proposed division of land.
 - (6) The proposed development is not compatible with the character of the neighborhood.
 - (7) The proposed development is in an area not desirable for the intensive use proposed.
- (N) **MANDATORY DISAPPROVAL.** The Planning Commission shall determine the applicability of each of the following findings and shall recommend disapproval of the tentative map if it makes any of the following findings:
- (1) That the tentative map is not consistent with applicable general and specific plans of Mendocino County.
 - (2) That the design or improvement of the proposed land division is not consistent with applicable general and specific plans of Mendocino County.
 - (3) That the site is not physically suitable for the type of development.
 - (4) That the site is not physically suitable for the proposed density of development.
 - (5) That the design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (6) That the design of the land division or the type of improvements is likely to cause serious public health problems.
 - (7) That the design of the land division or the type of improvements will conflict with easements of record or easements established by a court of competent jurisdiction which have been acquired by the public at large, for access through, or use of, property within the proposed land division, and that no alternative easements, for access or for use, will be provided which are substantially equivalent to ones previously acquired by the public.
- (O) **DECISION BY PLANNING COMMISSION AND BOARD.**
After the Planning Commission considers the tentative map, the following procedure shall apply:
- (1) Within fifty (50) days of the date on which a tentative map is officially filed by the Director of Planning with the Planning Commission, and unless said time limit has been extended by mutual consent of the subdivider and the Planning Commission, the Planning Commission shall upon the basis of considerations and findings as set forth herein, approve, conditionally approve, or disapprove such tentative map. Such action shall have the effect of a recommendation and shall be reported in writing to the Board of Supervisors, which shall, in the absence of a request for hearing being made pursuant to Article XI of this chapter (in which case the provisions pertaining thereto shall apply), act upon the report within ten (10) days or at its next succeeding regular meeting after receipt of said report. (Ord. No. 969, adopted 1972.)

- (2) At the time of submitting its written report to the Board of Supervisors, the Planning Commission shall submit said report, including its recommendations, on the tentative map to the subdivider. The submission of the report to the subdivider shall take place at least five (5) days in advance of the action to be taken by the Board of Supervisors, and shall be deemed to have occurred when such report is placed in the mail by certified letter and directed to the subdivider at his designated address and bearing the proper postage. (Ord. No. 946, adopted 1972.)
- (3) The Board of Supervisors shall be required to pass on all tentative maps before such may be deemed approved or otherwise acted upon. If no request for hearing has been filed by either the subdivider or any interested person, then the Board shall review the map without a formal hearing or notice thereof; the Board in this case shall consider the report of the Planning Commission and any additional evidence it deems reasonable to determine the applicability of each of the findings set forth in Section 17-41 (N), supra, and it shall deny approval of the tentative map if it makes any of said findings. If an appeal has been filed, the Board shall provide the notice required by law and shall conduct a hearing, at which time it shall, in addition to determining whatever other points are to be determined, determine the applicability of each of the findings set forth in Section 17-41 (N), supra, and shall deny approval of the tentative map if it makes any of said findings. (Ord. No. 969, adopted 1972.)
- (4) When a tentative map proposes the resubdivision or further division of any lot or parcel of a subdivision of record and such resubdivision or further division (a) pertains to four (4) or less lots or parcels and (b) has no dedications offered or required, the Planning Commission may, upon the recommendation of the Director of Planning, waive the requirements of a final map and thereupon authorize the filing of a parcel map in lieu thereof. Such action of the Planning Commission shall be reported to the subdivider, Board of Supervisors, and County Surveyor. (Ord. No. 1013, adopted 1972.)



- (P) **WITHDRAWING APPROVED TENTATIVE MAP.** A subdivider may, by filing a written petition with the Director of Planning, request that a tentative map be withdrawn after it has been approved by the Planning Commission. The filing of such petition shall terminate all proceedings under the provisions of this Chapter. Before a final map may thereafter be recorded a new tentative map shall be submitted and approved. Upon the withdrawal of a tentative map the Director of Planning shall notify all appropriate departments and agencies of the subdivider's actions.
- (Q) **REFILING DISAPPROVED MAP.** If the Planning Commission disapproves a tentative map, no tentative map which presents a proposal determined by the Director of Planning to be substantially similar to that presented by the disapproved map may be processed by the Director of Planning or considered by the Planning Commission until one year has elapsed from the date of disapproval. However, if there has occurred subsequent to said date of disapproval a substantial change of circumstances affecting the use of the land proposed for division, a subdivider shall be permitted to have processed and considered a new tentative map presenting a substantially similar proposal upon filing with the Director of Planning a petition which is determined by the Director of Planning to state true facts of land use constituting a substantial change of circumstances. Within ten (10) days of notification by the Director of Planning that the new map will not be processed, the subdivider may file with the Director of Planning an appeal to be acted upon within sixty (60) days by the Planning Commission. The Planning Commission shall limit its review to whether or not the Director of Planning was correct in his determinations that the new tentative map presented a substantially similar proposal and that facts have not occurred constituting a substantial change of circumstances affecting the use of the land.

Sec. 17-42.

IMPROVEMENT PLANS. Following approval of a tentative map, the subdivider shall proceed to fulfill the conditions of such approval, and shall cause to be prepared and submitted to the appropriate County Department the plans, specifications, and other information related to the Subdivision Improvements.

- (A) Improvement Plans related to Street and drainage improvements together with drainage calculations and other information requested by the County Engineer shall be submitted to the Department of Public Works. The Department of Public Works shall be responsible for review and approval of street and drainage improvement plans
- (B) Improvement Plans related to water supply and distribution system and sewage disposal systems, together with a design report, calculations, and other information requested by the County Health Officer shall be submitted to the Department of Public Health and the Department of Public Works. The Department of Public Health shall be responsible for review and approval of the systems. The Department of Public Works shall be responsible for review and approval of the system designs insofar as the improvements affect the road and drainage facilities. The two departments shall coordinate their reviews in such a manner as to not work a hardship on the subdivider because of the divided responsibility.
- (C) Improvement Plans shall be prepared in conformance with the Department of Public Works.
- (D) A detailed cost estimate of all contemplated improvements shall be submitted to the Department of Public Works at the time improvement plans are approved.
- (E) Improvement work shall not begin until the tentative map of any subdivision has been approved and until the improvement plans for such work have been submitted to approved and signed by the County Engineer or his authorized agent, the County Health Officer and by whatever local water district, corporation, company or firm, and sanitation, sanitary, sewer or maintenance district that may provide the subdivision with water, sanitation, sewer or maintenance service.

Sec. 17-43.

FINAL MAP. Within eighteen (18) months after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision or any part thereof, to be surveyed and a final map to be prepared for filing with the County Recorder in accordance with the tentative map as approved, or conditionally approved. All required streets and easements necessary to serve any such part, shall be provided for, on or with the final map.



- (A) **EXTENSION OF TIME.** Upon application of the subdivider prior to the expiration of the 18 month period, an extension of time to file the final map not exceeding one (1) year may be granted by the Planning Commission. The application for a time extension shall be submitted to the Director of Planning at least twenty (20) days prior to the Planning Commission meeting at which action thereon is desired and shall be accompanied by a filing fee of twenty-five dollars (\$25.00).
- (B) **FAILURE TO FILE.** Any failure to file with the County Recorder a final map within eighteen (18) months from the approval or conditional approval of the tentative map, or within any extension of time granted by the Planning Commission, shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.
- (C) **FORM.** The Final Subdivision Map shall conform with the provisions of the Map Act and the following:
- (1) The particular number of the sheet and the total number of sheets comprising the map, the tract number, title or other designation shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The tract designation, all drawings, affidavits, acknowledgements, endorsements, offers and acceptances of dedication, and notarial seals, shall be within marginal lines. The first sheet of the map shall contain all affidavits, acknowledgements, endorsements, offers and acceptances of dedication and notarial certificates, and no signed certificates shall appear on any other sheet of the map, nor shall any portion of the map appear on the sheet containing the certificates.
 - (2) The Final Map shall be prepared at a scale large enough to show all details clearly. Minimum scale shall be one inch equals one hundred feet (1"=100') unless approved otherwise by the County Surveyor.
 - (3) The title sheet of the final map shall contain the tract number and designation and such other descriptive matter as may be necessary. Below the tract designation shall appear a sub-title consisting of a general description of all the property being subdivided by reference to recorded deeds or to maps which have been previously filed or by reference to the plat of a United States Survey. Reference to tracts and subdivisions in the description must be worded identically with original records and references to book and page of record must be complete. The basis of bearing for the survey shall be clearly noted.
 - (4) Every sheet comprising the map shall contain the scale north point, and legend.



- (5) If more than two sheets are necessary for the final map, a key or index map shall appear on the title sheet or the second sheet.
- (6) A location map, at a scale not to exceed 1"=2000' shall appear on the final map. Said map shall indicate the location of the division of land in relation to major topographical features in the area and government surveys.
- (7) Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so designated with the title "The Purpose of This Map Is A Reversion To Acreage".

(D) DATA REQUIRED. The final map shall show the following:

- (1) The final map shall particularly define and designate all lots or parcels, including those reserved for private purposes, all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case. No ditto marks shall be used. Parcels offered for dedication but not accepted shall be designated by letter, streets offered but not accepted for dedication shall be identified as "Not a County Maintained Street".
- (2) The map shall show clearly what stakes, monuments, or other evidences were found on the ground to determine the boundaries of the tract. The adjoining corners of all adjoining divisions of land shall be identified by lot and block number, tract designation and place of record; or by section township, and range; or other proper designation. The map shall show the definite location of the division of land, and its relation to surrounding surveys. The lines of adjacent streets, their widths and names shall be shown.
- (3) Wherever the County Surveyor has established the center of a street, the data shall be shown on the final map, indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the fact shall be stated.
- (4) The map shall show all information, data, and monuments necessary to locate and retrace any and all exterior boundaries, block and lot lines. It shall show bearings and distances of straight lines and radii, central angle, and arc length of all curve lines. Where streets intersect on curves, center line lengths, radii, and central angles to center line intersection points shall be shown.
- (5) Block designations shall not be used, and lots shall be numbered consecutively by unit throughout the division of land, with no omissions or duplications.
- (6) The map shall show all lands within the division of land subject to periodic inundation by water.

- (7) When a soil report or geological hazard report has been prepared, this fact shall be noted on the Final Map, together with the date of the report and the name of the Engineer making the report
 - (8) The total width of all street, flood control or drainage channels, or any other rights of way or easements shall be shown
 - (9) The map shall show all easements of record and easements to be recorded. If any easement is not definitely located by record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers, public utilities and other purposes shall be clearly defined. Distances and bearings on the side lines of lots which are cut by an easement must be so shown that the map will indicate clearly the actual length of the lot lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is to be offered for dedication by the map, it shall be properly set out in the owner's certificate
 - (10) Names of all streets as approved by the Planning Commission shall be shown. If any streets are designated by numbers, they shall be spelled out completely, using hyphens in such forms as "Twenty-third Street". The word "Avenue", "Boulevard", "Place", etc. shall be spelled out in full
 - (11) Net acreage of each lot or parcel shall be shown to the nearest one hundredth.
 - (12) The map shall show all City, County, or Special District Boundary lines crossing or abutting the subdivision. No lot or parcel shall be divided by a City or County boundary line
 - (13) The map shall show building setback lines as defined by law. Setback lines shall be shown by a fine dashed line
 - (14) The map shall show ownership and deed reference of all adjoining properties used in the preparation of the Final Map
 - (15) All other data required by law shall be shown
- (E) CERTIFICATES AND ACKNOWLEDGEMENTS REQUIRED. All certificates and acknowledgments required by law shall appear on the final map in addition to the following:
- (1) A certificate for execution by the Director of Planning verifying that the final map conforms to the approved tentative map and the conditions of approval thereof.
 - (2) A certificate executed by the person responsible for the preparation of the final map, reflecting the accuracy of the survey and that all survey work was performed to a minimum accuracy of one in five thousand
- (F) OTHER DATA REQUIRED. The following data shall accompany the final map when submitted to the County Surveyor for checking:



- (1) A traverse sheet or sheets in a form approved by the County Surveyor prepared by a registered Civil Engineer or licensed Surveyor, showing a mathematical closure of the boundary of the subdivision, lots or parcels, and center lines of the streets therein.
- (2) A guaranty of title or letter from a title company, certifying that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgments thereto appear on the proper certificates and are correctly shown on said map, both as to consents as to the making thereof and affidavits of dedication where necessary. Such guaranty shall be issued for the benefit of the County of Mendocino and protection of the Board of Supervisors and shall be continued complete up to the instant of recording.
- (3) A preliminary title report issued within thirty (30) days of submission to the County Surveyor.
- (4) A certificate from the Mendocino County Tax Collector as required by Article 8 of the Map Act.
- (5) A certificate from the Mendocino County Assessor as required by Article 8 of the Map Act.
- (6) A tax bond as required by Article 8 of the Map Act. If a cash deposit has been made in lieu of a bond the original receipt or certified copy thereof issued by the County Treasurer shall be submitted.
- (7) When required, Subdivision Improvement Plans approved by all appropriate agencies and County Officials.
- (8) When required, three copies of an executed Subdivision Improvement Agreement in a form acceptable to the District Attorney and in conformity with the provisions of this Chapter and the Map Act.
- (9) When required, three copies of the required bonds or other surety provided to secure the Subdivision Improvement Agreement.
- (10) Final Map Filing Fee and, when required, Improvement Plan-Specification Checking and Construction Inspection Fee as prescribed by this Chapter.
- (11) If required, two copies of a final soils report or geological hazards report.
- (12) When utility easements have been required as a condition of approval of the tentative map, a letter from each of the affected utility companies indicating their satisfaction with the easements as shown on the final map.
- (13) When the approval of the tentative map was conditioned upon the approval of a government agency or official a letter from a responsible official of such agency stating that those conditions for which he is responsible to review have been complied with to his satisfaction.



(G) SUBMISSION, PROCESSING, AND FILING OF A FINAL MAP.

(1) The Final Subdivision Map together with all required data shall be submitted to the County Surveyor twenty (20) days prior to the regular meeting of the Board of Supervisors at which action thereon is desired. A final map shall be considered complete for submission to the County Surveyor when it complies with all the provisions of this section.

(2) Within fifteen (15) days of receipt of the final map and accompanying data, the County Surveyor shall determine whether or not all provisions of this Chapter and applicable State Law have been complied with and that said map is technically correct. If the County Surveyor shall determine that said map is technically correct and that it substantially conforms to the tentative map and any approved alteration thereof, and to the provisions of this Chapter and the State Law, he shall so certify on said map and transmit the same to the Board of Supervisors. If the County Surveyor determines that the final map does not conform as required above he shall afford the opportunity to the Subdivider to make the necessary changes and re-submit the final map together with all required data.

(3) The Board of Supervisors at its next meeting, or within ten (10) days after the presentation of the above material by the County Surveyor, shall consider said map, the plan of subdivision, and the offers of dedication; shall determine the applicability of each of the findings set forth in Section 17-41(N), supra; and shall deny approval of a final map if it makes any of said findings.

The Board of Supervisors shall accept; accept subject to improvement; or reject with or without prejudice, any or all offers of dedication. If improvements required under the terms of this Chapter or by law have not been completed, the Board of Supervisors shall provide for such improvements by approving an agreement with the subdivider for posting a bond, instrument of credit, or cash deposit as provided herein. When the agreement and bond, instrument of credit, or cash deposit have been approved by the District Attorney as to form, and by the County Engineer and Board of Supervisors as to sufficiency, the Board may consider the final map. After the Board of Supervisors shall determine that said map is in conformity to the requirements of this Chapter, it shall approve said map by resolution. In case the Board of Supervisors shall determine that said map is not in conformity with the requirements of this Chapter or State Law, it shall disapprove said map, specifying reasons therefor and advising the subdivider of such disapproval. Within ninety (90) days thereafter the subdivider may file with the County Surveyor a map altered to meet with the approval of the Board of Supervisors and shall conform with the procedures specified herein. The time limit, as prescribed by law, for the approval of the final map may be extended by mutual consent of the subdivider and the Board of Supervisors.

(4) The Clerk of the Board of Supervisors, after approval by the Board of Supervisors and after signatures and seals have been affixed, shall transmit immediately the final map to the office of the County Recorder for filing. No map shall have any force or effect, until it has been approved by the Board of Supervisors and no title to any property described in any offer of dedication shall pass until recordation of the final map. No building permit shall be issued until recordation of the final map.



ARTICLE IV—SPECIFIC PROCEDURES FOR PROCESSING A PARCEL DIVISION

Sec. 17-44.

The following procedure shall be used to accomplish, and shall apply to, any division of land defined as a parcel division in Article II of this Chapter.

(A) **IN-LIEU PROCEDURE FOR 160-ACRE LOTS.** The procedure required by Article V of this Chapter for the processing and approval of 'minor Divisions' may be used in lieu of the procedure set forth in Article IV for the processing and approval of any parcel division in which each lot or parcel created has a minimum gross area of 160 acres or more or each of which is a quarter section or larger as determined by government survey, such a parcel division to be deemed included within the meaning of the term 'minor division' wherever used in Article V. (Ord. No. 1078, adopted 1973.)

Sec. 17-45.

TENTATIVE MAP. The initial action in connection with the making of a parcel division shall be the preparation and submission of a tentative map. The map shall be prepared in conformance with the provisions of this section and shall comply with the General Subdivision Regulations and Provisions as contained in Article VI of this Chapter.

(A) **FORM.** The tentative map shall be clearly and legibly drawn. The minimum sheet size shall be 18x26 inches. The minimum scale shall be one inch equals one hundred feet unless otherwise approved by the Director of Planning, except that the scale may be increased to one inch equals two hundred feet for a proposed division of land creating parcels each with a gross area of twenty (20) acres or more.

(B) **CONTENT.** A tentative map shall contain the information required by paragraph 17-41 (B) of this Chapter with the following exceptions:

- (1) The proposed division of land need not be given a distinctive tract name.
- (2) The contour interval may be increased to twenty-five (25) feet when the proposed division of land will create parcels each with a gross area of twenty (20) acres or more.

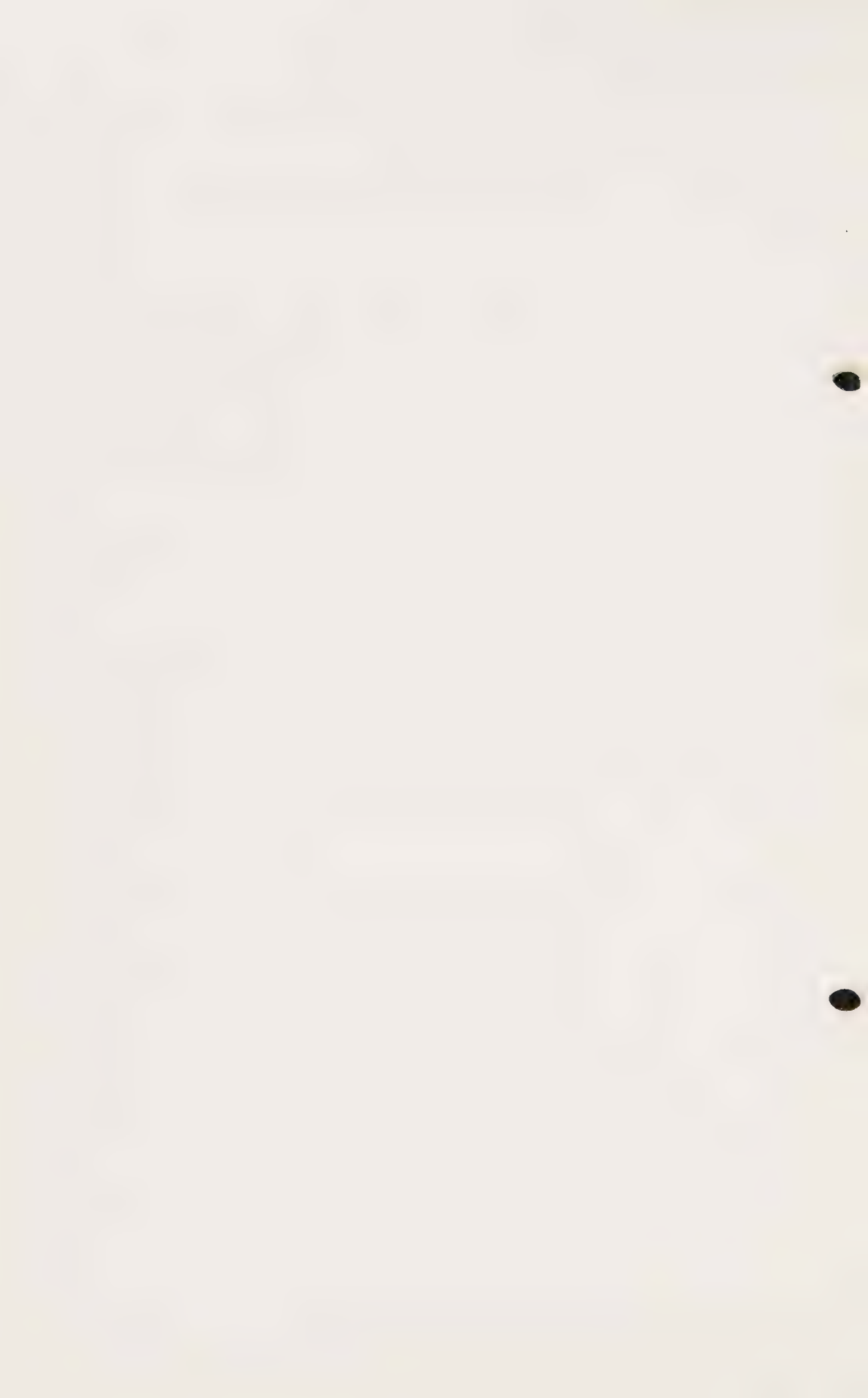
(C) **ACCOMPANYING STATEMENT.** The statements and information required by paragraph 17-41 (C) of this Chapter shall be submitted with the tentative map.

(D) **ACCOMPANYING DOCUMENTS.** The documents required by paragraph 17-41 (D) of this Chapter shall be submitted with the tentative map.

(E) **FILING.** The provisions of paragraph 17-41 (E) and (F) of this Chapter shall apply with the following exception:

- (1) Ten (10) prints and one reproducible copy of a tentative map, are to be submitted to the Director of Planning.

(F) **PROCESSING.** The provisions of paragraph 17-41(G) and (H) of this Chapter shall apply.



- (G) **CONSIDERATION BY PLANNING COMMISSION.** The provisions of paragraph 17-41(I) and (J) of this Chapter shall apply.
- (H) **CONDITIONS OF APPROVAL.** The Planning Commission may require a waiver of direct access to any existing or proposed street.
- (I) **CONDITIONS OF APPROVAL, REASONS FOR DISAPPROVAL.** The provisions of paragraphs 17-41 (L) and (M) of this Chapter shall be applicable to the Planning Commission's consideration of a tentative map of a parcel division.
- (J) **ACTION BY PLANNING COMMISSION AND BOARD OF SUPERVISORS.** The provisions of paragraphs 17-41(N) and (O) of this Chapter shall apply to all parcel divisions; provided however, where all lots created by a parcel division are forty (40) acres or more, the action of the Planning Commission shall, in the absence of a request for hearing being made by the subdivider or an interested person, be deemed final, and no action by the Board of Supervisors shall be required.
- (K) **WITHDRAWING APPROVED TENTATIVE MAP.** The provisions of paragraph 17-41 (P) of this Chapter shall apply.
- (L) **REFILING DISAPPROVED MAP.** The provisions of paragraph 17-41 (Q) of this Chapter shall apply.

Sec. 17-46

PARCEL MAP. Within eighteen (18) months after approval or conditional approval of the tentative map or maps, the subdivider may cause the division of land or any part thereof, to be surveyed and a parcel map to be prepared for filing with the County Recorder in accordance with the tentative map as approved or conditionally approved. All required streets and easements necessary to serve any such part, shall be provided for on or with the parcel map.

- (A) **EXTENSION OF TIME.** Upon application of the subdivider prior to the expiration of the 18 month period, an extension of time to file the parcel map not exceeding one (1) year may be granted by the Planning Commission. The application for a time extension shall be submitted to the Director of Planning at least twenty (20) days prior to the Planning Commission meeting at which action thereon is desired and shall be accompanied by a filing fee of Twenty-five dollars (\$25.00).
- (B) **FAILURE TO FILE.** Any failure to file with the County Recorder, a parcel map within eighteen (18) months from the approval or conditional approval of the tentative map, or within any extension of time granted by the Planning Commission, shall terminate all proceedings. Before a parcel map may thereafter be filed, a new tentative map shall be submitted.
- (C) **FORM.** The parcel map shall conform with the provisions of the Map Act and the following:



- (1) Every sheet comprising the parcel map shall contain the scale, north point, legend, the particular number of the sheet and the total number of sheets comprising the map, and a number assigned to the map by the County Surveyor by which the map is to be referred to. Below the number shall appear a general description of all the property being divided by reference to recorded deeds or to maps which have been previously filed or by reference to the plat of a United States Survey. Reference to recorded documents in the description must be worded identically with original records and reference to book and page of record must be complete. The basis of bearing for the survey shall be clearly noted.
 - (2) The parcel map shall be prepared at a scale large enough to show all details clearly. Minimum scale, unless otherwise approved by the County Surveyor, shall be one inch equals one hundred feet except that it may be increased to one inch equals two hundred feet when the division of land creates parcels each with a gross area of twenty (20) acres or more.
 - (3) If more than two sheets are necessary for the parcel map, a key or index map shall appear on the first sheet.
 - (4) A location map, at a scale not to exceed 1"=2000' shall appear on the first sheet. Said map shall indicate the location of the division of land in relation to major topographical features in the area and government surveys.
- (D) DATA REQUIRED. The parcel map shall show all data required by paragraph 17-43 (D) of this Chapter.
- (E) CERTIFICATES AND ACKNOWLEDGMENTS REQUIRED? All certificates and acknowledgments required by law shall appear on the parcel map in addition to the following:
- (1) A certificate for execution by the Director of Planning verifying that the parcel map conforms to the approved tentative map and the conditions of approval thereof.
 - (2) A certificate executed by the person responsible for the preparation of the parcel map, reflecting the accuracy of the survey and that all survey work was performed to a minimum accuracy of one in five thousand.
- (F) OTHER DATA REQUIRED. The following data shall accompany the parcel map when submitted to the County Surveyor for checking:
- (1) A traverse sheet or sheets in a form approved by the County Surveyor, prepared by a registered Civil Engineer or Licensed Surveyor, showing a mathematical closure of the boundary of the Division of land, ~~lots or~~ parcels, and center lines of the streets therein.
 - (2) A preliminary title report issued within thirty (30) days of submission to the County Surveyor.
 - (3) Parcel Map filing fee as prescribed by this Chapter.

- (4) If required, two copies of a Final Soils Report or Geological Hazards Report.
- (5) When utility easements have been required as a condition of approval of the tentative map, a letter from each of the affected utility companies indicating their satisfaction with the easements as shown on the parcel map.
- (6) Recorder's filing fee by check or money order made payable to the Mendocino County Recorder.
- (7) All documents of conveyance required as a condition of approval.
- (8) When the approval of the tentative map was conditioned upon the approval of a government agency or official, a responsible official of such agency stating that those conditions for which he is responsible to review have been complied with to his satisfaction.
- (9) A certificate from the Mendocino County Tax Collector showing that, according to the records of his office, there are no liens against the parcel division or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.
- (10) A certificate submitted by the subdivider and executed by each proper officer giving his estimate of the amount of taxes and assessments which are a lien against the parcel division or any part thereof but which are not yet payable.

(G) SUBMISSION, PROCESSING, AND FILING OF A PARCEL MAP

(1) The parcel map, together with all required data, shall be submitted to the County Surveyor. The parcel map shall be considered complete submission to the County Surveyor when it complies with all the provisions of this section.

(2) Within twenty (20) days of receipt of the parcel map and accompanying data, the County Surveyor shall determine whether or not all provisions of this Chapter and applicable State Law have been complied with and that said map is technically correct. If the County Surveyor shall determine that said map is technically correct, and substantially conforms to the tentative map and any approved alteration thereof, and to the provisions of this Chapter and the State Law, he shall execute the County Surveyor's Certificate on said map and shall transmit the parcel map accompanied with the Recorder's Filing Fee to the office of the County Recorder for filing. If the County Surveyor determines that the parcel map does not conform as required above, he shall afford the opportunity to the subdivider to make the necessary changes and re-submit the parcel map together with all required data.

(H) No parcel map shall have any force or effect until it has been filed with the County Recorder. The parcel map shall be filed prior to the sale, lease, or financing of any of the parcels shown thereon. Any deed of conveyance, sale or contract to sell made contrary to the provisions of this Chapter is voidable to the extent and in the same manner as provided in Section 11540 of the Map Act.

ARTICLE V - SPECIFIC PROCEDURES FOR PROCESSING A MINOR DIVISION

Sec. 17 - 47.

The following procedure shall be used to accomplish, and shall apply to, any division of land defined as a minor division in Article II of this Chapter.



A minor division which creates no more than two (2) lots or parcels shall not be subject to the requirements of this Article pertaining to water supply or to sewage disposal.

Sec. 17-48.

TENTATIVE MAP. The initial action in connection with the making of a minor division shall be the preparation and submission of a tentative map. The map shall be prepared in conformance with the provisions of this Article and shall comply with the General Regulations and Provisions as contained herein.

- (A) **FORM.** The tentative map shall be a sketch clearly and legibly drawn. The minimum sheet size shall be 8½ x 11 inches. The minimum scale shall be one inch equals one hundred feet unless otherwise approved by the Director of Planning.
- (B) **CONTENT.** The tentative map of a minor division shall contain the following information:
 - (1) Names, addresses and phone numbers of owners, subdivider, and person who prepared the map.
 - (2) Date map was prepared, north point and scale.
 - (3) The approximate width and location of all proposed or existing easements together with the purpose thereof.
 - (4) The proposed lot lay-out, approximate dimensions, and approximate area of all lots or parcels. All proposed lots or parcels shall be numbered consecutively throughout the entire division of land.
 - (5) A red border on the map to indicate the boundaries of the land to be divided.
 - (6) Approximate location, width, name, and status as public or private of all existing and proposed streets lying within and adjacent to the division of land.
 - (7) The outline of any existing buildings to remain in place and their approximate locations in relation to existing or proposed lot lines
 - (8) Lines indicating direction of slope and approximate percent of grade.
 - (9) The approximate locations of areas subject to inundation; the approximate location of existing or proposed lakes, ponds, springs, or reservoirs; and the location, width, and direction of flow of all significant water courses existing and proposed to the same degree of accuracy that road and other proposed improvements are shown.
 - (10) The approximate location of property line fences, wells, cesspools, sewers, culverts, drainpipes, underground structures, overhead structures, major excavations, mining shafts, or other hazards within the area of the land to be divided or two hundred (200) feet adjacent thereto.
 - (11) The Assessor's parcel numbers of the property to be divided, together with the Assessor's parcel numbers and date acquired, transferred, leased, or financed of any property contiguous to the property to be divided in which the owner or subdivider of said property has had any ownership interest subsequent to September 20, 1963. (Ord. No. 969, adopted 1972, as amended by Ord. No. 1078, adopted 1973.)

- (C) **ACCOMPANYING STATEMENT.** The following statements or information shall either appear on, or shall be submitted with the tentative map of a minor division.
- (1) Existing use of property.
 - (2) Statement as to the proposed use of the property.
 - (3) Statement as to the source of domestic water to serve the proposed lots or parcels.
 - (4) Statement as to the system or method proposed to handle sewage disposal.
 - (5) List of and a statement providing justification and reasons for any variance requested to provisions of this Chapter or Chapter 20 of the Mendocino County Code.
- (D) **ACCOMPANYING DOCUMENTS.** The following documents shall be submitted with the tentative map of a minor division:
- (1) A preliminary Title Report issued within 30 days of the map submission. A Lot Book Report, issued within thirty (30) days of the date of the map submission, may be substituted for a preliminary Title Report. (Ord. No. 969, adopted 1972.)
 - (2) When no connection to an existing water system is to be made, the Subdivider shall submit a feasibility report indicating the quantity and quality of water available at the proposed source. Said report shall determine, to the satisfaction of the County Health Officer, the feasibility of the proposed water supply.
 - (3) When no connection to an existing sewer system is to be made, the subdivider shall submit a report prepared by a qualified person together with the factual data to support the findings of the report. Said report shall determine, to the satisfaction of the County Health Officer, the feasibility of the proposed system of sewage disposal.
- (E) **FILING.** Five (5) prints and one reproducible copy of a tentative map of minor division and copies of the Subdivider's statement, together with all required documents and filing fees, shall be submitted to the Director of Planning. A tentative map shall be officially submitted and so endorsed and dated at such time as the map and all related notations, statements, reports and fees required by this Chapter have been submitted to and found to be complete and in proper form by the Director of Planning.
- (F) **PROCESSING.** Upon the submission of a tentative map of a minor division, the Director of Planning shall transmit signed and dated copies of the map and related documents to the County Health Officer, Director of Public Works and such other agencies as he determines do or may have an interest therein.
- (G) **COMMITTEE.** At the call of the Director of Planning a committee to be known as the Minor Division Committee, shall meet to review the proposed minor division. The committee shall have three (3) voting members who shall consist of the following officials or their duly authorized representatives: Director of Planning, Director of Public Works, and County Health Officer. (Ord. No. 969, adopted 1972.)
- (H) **RULES OF PROCEDURE.** The committee is hereby authorized to establish such rules of procedure as may be necessary to carry on its business. The Director of Planning shall be the Chairman of said Committee.

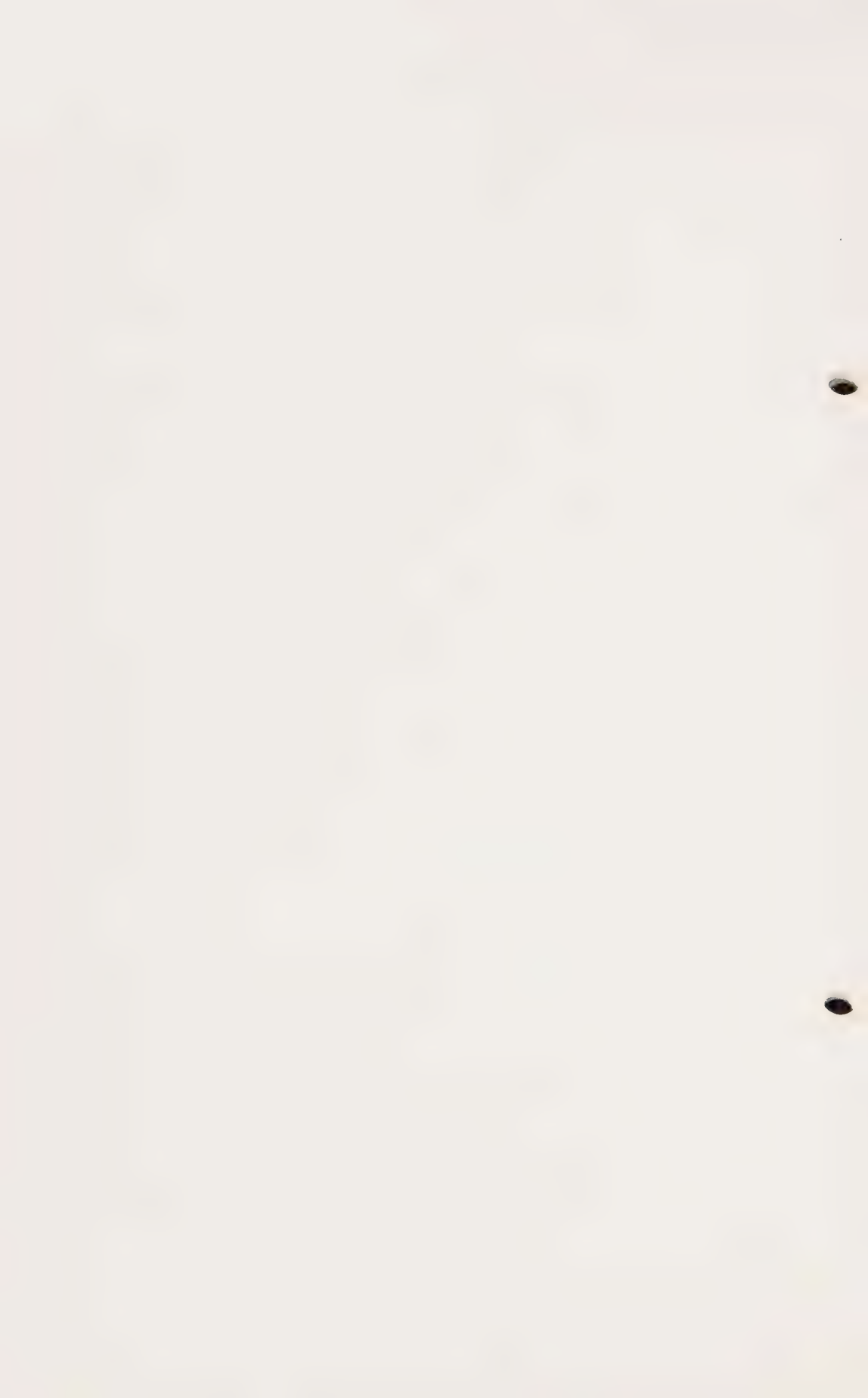
- (I) **CONSIDERATION BY THE COMMITTEE.** The committee shall consider each tentative map and accompanying statements and documents together with any department or agency reports which may have been received to determine whether the map and proposed land division is in conformity with the provisions of law and this Chapter and with the General Plan.
- (J) **PREREQUISITES OF APPROVAL.** The committee may approve or conditionally approve the tentative map of a minor division only when all the following minimum conditions are met.
- (1) The information shown on the map is complete.
 - (2) The proposed division of land does not constitute a Subdivision as defined by the Map Act and this Chapter, or a parcel division as defined by this Chapter.
 - (3) All parcels and the intended use conform with the minimum building site area, allowable lot width, yards, and access requirements of the Mendocino County Zoning Ordinance for the zoning district within which the parcels lie.
 - (4) Lot design conforms to the provisions of this Chapter.
 - (5) Access to each parcel will be provided by fronting on a publicly maintained street or a private road easement of adequate width. If the private road easement serves four or less parcels or lots, adequate width of the easement shall be that required to build and maintain a sixteen (16) foot wide road within the easement with a minimum easement width of forty (40) feet. If the private road easement serves more than four parcels or has a potential to serve more than four parcels, adequate width of the easement shall be that required to conform with the provisions of this Chapter pertaining to street requirements for subdivisions or parcel divisions.
 - (a) The committee may approve a tentative map creating parcels with access by way of existing dead-end easements where the length exceeds six hundred (600) feet provided that such easement complies with the minimum width requirements prescribed above. Where the minor division creates lots each having a gross area of ten (10) acres, or more, the committee may approve a tentative map creating a dead-end easement where the length exceeds six hundred (600) feet provided that such easement extends to the boundary line of the proposed division of land so that future connections may be made. (Ord. No. 969, adopted 1972.)
 - (6) Where lots or parcels front on a County Maintained Street or Highway of insufficient width or where the existing right of way is not deeded to the County, right of way sufficient for the ultimate street and other improvements will be provided by grant deed to the County. If the residual parcel can legally be further divided, such rights of ways need not be required to be deeded to the County from the residual parcel.
 - (7) In the opinion of the County Health Office, the use of the lots or parcels as proposed will not be detrimental to the health of the inhabitants therein.
 - (8) Drainage, grading, and other improvements, excluding street improvements are to be provided so as not to adversely affect parcels of the minor division, public facilities, or the neighborhood.

(13) When the parcel map is to be waived for any parcel which is to be sold, a unilateral executed agreement shall be submitted to buyer, lessee, or financier, as the case may be, for each parcel created, and to the escrow company or title company processing the transfer, including (1) the list of all requirements imposed as a condition of approval of the tentative map and (2) a certificate of compliance signed by the owner and subdivider under penalty of perjury attesting that all conditions of approval of the tentative map have been complied with. (Ord. No. 1078, adopted 1973.)

- (K) **ACTION BY THE COMMITTEE.** Within twenty-one (21) days of the date on which the tentative map of a minor division was submitted, pursuant to the provisions of this section, to the Director of Planning, unless said time limit is extended by mutual consent of the subdivider and the Director of Planning, said committee shall, upon the basis of considerations and findings as set forth herein; approve, conditionally approve, or disapprove such tentative map. The committee's action shall be reported in writing to the subdivider.
- (L) **REQUEST FOR HEARING.** The action of the committee shall be final unless a notice of request for hearing is filed with the Planning Commission within ten (10) days following the date of the letter notifying the subdivider of such action. Said notice shall be filed with the Secretary of the Planning Commission and shall set forth in detail the action and the grounds upon which the subdivider or any interested person deems himself aggrieved. (Ord. No. 969, adopted 1972.)
- (M) **HEARING.** The action to be considered by the Planning Commission pursuant to the request for hearing shall be heard by it within thirty-one (31) days following the filing thereof. After the hearing the Planning Commission may overrule or modify the decisions, determinations, or requirements at issue and may enter any such order or orders as are consistent with this chapter. The action of the Planning Commission shall be final unless a request for hearing is filed with the Board of Supervisors pursuant to the provisions of Article XI of this chapter, in which case said provisions shall apply. (Ord. No. 969, adopted 1972.)

Sec. 17 - 49. Parcel Map.

Within one (1) year after approval or conditional approval of the tentative map, the subdivider may cause the division of land to be surveyed and a parcel map showing each new parcel or parcels to be prepared and filed with the County Recorder. This parcel map must first be approved by the County Surveyor. Upon application thereto, the Minor Division Committee may extend for an additional period of one (1) year the time for filing of the parcel map. An approved parcel map shall be filed together with the information required by, and in accordance with the standards and procedures set forth in, Section 17-46 of this Chapter prior to the sale, lease, or financing of any of the parcels shown on the tentative map; provided, however, that the subdivider shall have the option to file or not file a parcel map if the division meets all of the requirements set forth in any of the following subsections: (Ord. No. 1078, adopted 1973.)

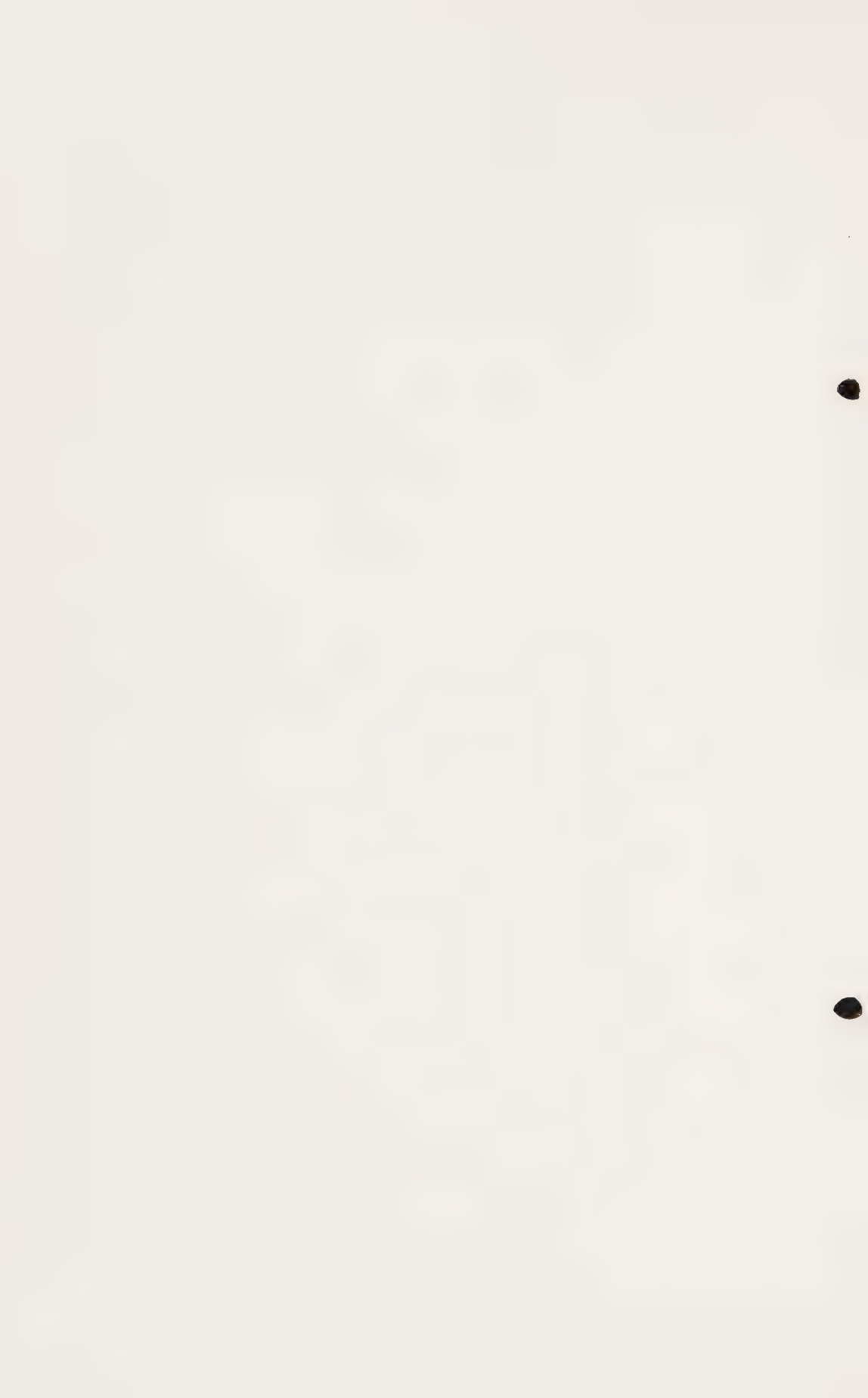


- (A) **MINOR DIVISION RESULTING IN TWO PARCELS.** A parcel map need not be filed if the minor division creates only two (2) parcels and the Minor Division Committee affirmatively finds from evidence presented to it (1) that all of the conditions required, if any, for such waiver have been met, said conditions being those set forth by resolution of the Board of Supervisors and available for public inspection at the office of the Director of Planning, and (2) that the proposed division of land complies with all requirements of the Mendocino County Code and of the Map Act with respect to each of the following elements:

- (1) Area.
- (2) Improvement and design.
- (3) Flood and water drainage control.
- (4) Appropriate improved public roads.
- (5) Sanitary disposal facilities.
- (6) Water supply availability.
- (7) Environmental protection.
- (8) All other requirements of the Mendocino County Code and of the Map Act.

For the sole and limited purpose of determining whether a proposed minor division is a lot split eligible for parcel map waiver under this section, any parcels created prior to March 20, 1973, shall not be counted or cumulated unless application of the rules of cumulation of parcels set forth in Section 17-17 (E) of this Chapter would result in five (5) or more parcels having been created subsequent to September 20, 1963. (Ord. No. 1078, adopted 1973.)

- (B) **MINOR DIVISION RESULTING IN 40-ACRE PARCELS.** A parcel map need not be filed if the minor division creates parcels each of which has a minimum gross area of forty (40) acres or more or a quarter quarter section as determined by government survey and the Minor Division Committee affirmatively finds from the evidence presented to it (1) that all of the conditions required, if any, for such waiver have been met, said conditions being those set forth by resolution of the Board of Supervisors and available for public inspection at the office of the Director of Planning, and (2) that the proposed division of land complies with all requirements of the Mendocino County Code and of the Map Act with respect to each of the eight elements set forth in Section 17-49 (A), *supra*. (Ord. No. 1078, adopted 1973.)
- (C) **DIVISION RESULTING IN 160-ACRE PARCELS.** A parcel map need not be filed if the division of land creates lots or parcels, each of which has a minimum gross area of one hundred and sixty (160) acres or each of which is a quarter section or larger as determined by government survey and if the Minor Division Committee affirmatively finds from the evidence presented to it (1) that all of the conditions required, if any, for such waiver have been met, said conditions being those set forth by resolution of the Board of Supervisors and available for public inspection at the office of the Director of Planning, and (2) that the proposed division of land complies with all requirements of the Mendocino County Code and of the Map Act with respect to each of the eight elements set forth in Section 17-49 (A), *supra*. (Ord. No. 1078, adopted 1973.)



- (D) **AGRICULTURAL LEASES.** A parcel map need not be filed for any parcel which is leased for agricultural purposes if the Minor Division Committee affirmatively finds from the evidence presented to it (1) that all of the conditions required, if any, for such waiver have been met, said conditions being those set forth by resolution of the Board of Supervisors and available for public inspection at the office of the Director of Planning, and (2) that the proposed division of land complies with all requirements of the Mendocino County Code and of the Map Act with respect to each of the eight elements set forth in Section 17-49 (A), *supra*. No requirement as to area shall apply if no building is to be constructed or utilized on the parcel to be leased. (Ord. No. 1078, adopted 1973.)

ARTICLE VI

GENERAL REGULATIONS AND PROVISIONS

Sec. 17 - 50.

APPLICABILITY. All divisions of land, and the lots and parcels resulting therefrom, shall be subject to the provisions of this Article.

Sec. 17 - 51. General Plan.

(A) In all respects the division of land shall be considered in relation to the General Plan of the County, specific plans of the County, and preliminary plans and policies being considered by the County, or other legally constituted Governmental body. If the limits of the land acquisition have been determined for any project being considered by the County or other legally constituted governmental body, the subdivider shall be required to either dedicate or reserve such lands as are required.

(B) The subdivider shall file a petition for reclassification of the zoning within the area of a parcel division or subdivision to conform to the proposed land use, lot sizes and dimensions. Said petition shall be filed upon approval of the tentative map and prior to submission of the final map or parcel map.

Sec. 17-52. LOT AND BLOCK DESIGN AND CONFIGURATION.

(A) The size and shape of lots shall be in conformance to any zoning, land use regulation, or ordinance effective in the area, provided however, that where this Chapter imposes more restrictive standards the requirements of this Chapter shall prevail.

(B) Where a water supply and distribution system and sanitary sewer system are provided, the lot area shall be not less than 6,000 square feet and the lot width shall be not less than sixty (60) feet in width on the building line or less than eighty (80) feet in depth, provided that corner lots shall be not less than seventy (70) feet in width on the building line

(C) Where a water supply and distribution system is provided, the lot area shall be not less than twelve thousand (12,000) square feet; and a lot width shall be not less than eighty (80) feet, except for residential lots on curved or Cul-de-Sac streets, which shall have a minimum width at the building line of eighty (80) feet.

(D) When neither a water supply and distribution system nor a sanitary sewer system is provided, the lot area shall be not less than forty thousand (40,000) square feet; and a lot width shall be not less than one hundred (100) feet except for residential lots on curved or cul-de-sac streets, which shall have a minimum width at the building line of one hundred (100) feet.

(E) When approved by the Planning Commission, lots or parcels to be used exclusively for, but not limited to, well sites, sewage lift stations, drainage devices, sump pumps, parking lots, and other similar installations and appurtenances, need not meet the minimum lot area, depth-width ratios, or frontage requirements. Such lots or parcels shall be designated on the final map or parcel map for the purpose thereof and be shown as "Not a Building Site".

(F) No lot shall have a depth of greater than three (3) times the average width of the lot; provided, however that the Planning Commission may approve greater width-depth ratios when necessitated by topography or other physical conditions, or where property is to be used for commercial or industrial purposes.

(G) The side lines of all lots, so far as possible, shall be at right angles to the center line of the street, or radial, or approximately radial to curved streets.

(H) No lot shall be divided by a City or County boundary line

(I) Building setback lines shall be indicated on the final map or parcel map as required by the County Zoning Code or other appropriate restriction

(J) Lots having double frontage shall not be premitted, except as otherwise provided herein, except when necessitated by topography or other physical condition. In all cases access on one side shall be restricted by proper dedication or legal instrument.

(K) All lots shall be suitable for the purpose for which they are intended.

(L) Flag lots or parcels whose access to the abutting street is provided by a strip or segment which is a part of said lot or parcel may be approved by the Planning Commission when necessitated by topography or other special condition, provided however, that the main portion of the lot meets the provision so of this Chapter as to length, depth, area and design. In no case shall the access strip be less than twenty (20) feet in width nor greater than three hundred (300) feet in depth and improvements shall be constructed therein to provide an all weather driveway.

(M) Lots within frontage on a street, unless otherwise provided for herein, shall not be permitted

(N) Deed restrictions or tract covenants shall be recorded with the final map or parcel map and shall include a provision that requires that no further division of land may be made unless the improvements, including, but not limited to streets, drainage facilities, and utilities are upgraded to conform to the proposed lot sizes, said regulations and standards being set forth in Articles VI and VII herein. To conform to the regulations and land improvement standards then in effect for the proposed lot sizes, said regulations and standards being set forth in Articles VI and VII herein.

(O) Any lot or parcel created by a division of land but not shown as a part thereof shall be of such size and shape as to conform to the provisions of this Chapter

(P) No lot or parcel created by a division of land shall be excluded from the boundaries of the division of land for the purpose of avoiding dedication or improvement of any street, drainage, or flood control facility.

(Q) Each lot or parcel on a turn around, cul-de-sac or curved street, where the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width of not less than sixty (60) feet, or the width required by this Chapter or the Zoning Code, whichever is greater, measured along the building setback line established by the minimum required front yard for the main building and between the side lines of such lot or parcel.

(R) Each lot or parcel on a curved street, when the side lines thereof are converging from the front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet or the width required by this Chapter or the Zoning Code, whichever is greater.

(S) Lots containing less than 2.5 acres shall be designed wherever possible to conform to existing easements unless said easements are re-located to conform with the proposed lot pattern. When calculating the area of a lot or parcel, to determine compliance with this Chapter or the Zoning Code, the following areas shall be deducted from the gross area of any such lot or parcel:

- (1) An easement for the purpose of providing lot access or roadways.
- (2) When the width or combined width of any other easement or easements exceeds five (5) feet on any one lot, that portion of such easement or easements in excess of the allowable five (5) foot strip.

The area of an easement, exclusively for the purpose of constructing and maintaining roadway slopes, may be included when computing lot area irrespective of the width thereof.

(T) Where a division of land proposes acreage tracts, the blocks shall be so divided as to provide for opening of necessary streets at locations that will permit the ultimate extension and opening of future streets to such intervals as will allow a subsequent division into blocks and lots of size to meet the requirements of law.

(U) Blocks shall be no longer than thirteen hundred (1,300) feet in length except where the Planning Commission determines that the topographic conditions, surrounding layout, or other circumstance requires longer blocks. Long blocks shall be provided when contiguous to major streets for the purpose of reducing the number of intersections.

(V) The width of each block shall be of sufficient size to lay out two tiers of lots therein of a size required by this Chapter unless other wise approved by Planning Commission.

Sec. 17-53. LOT ACCESS.

(A) Every subdivision and parcel division shall connect to a City, County, or State Maintained street or highway. The connection shall be made by:

- (1) The division of land lying adjacent to and contiguous with the maintained street in sufficient length and with such topographic features so as to accommodate the construction of all improvements required as a condition of tentative map approval in conformance with applicable standards prescribed by this Chapter, or
- (2) The division of land being connected to the maintained street by a non-exclusive easement for street, utility, and appurtenant drainage facilities right of way. Said easement shall be unencumbered by any senior rights that might serve to restrict the proposed use of the easement to be offered for dedication and shall be of such width and location so as to accommodate the construction of all improvements required as a condition of tentative map approval in conformance with applicable standards prescribed by this Chapter

(B) Streets shall conform, as to alignment and width, with the circulation element of the General Plan. Street improvements shall be made as required by the "Mendocino County Subdivision and Street Classification Chart" adopted by Resolution of the Board of Supervisors. The Planning Commission shall classify subdivisions and the streets therein or connecting thereto upon the recommendation of the Director of Planning and the Road Commissioner. Street design shall conform with such standards as may be adopted by Resolution of the Board of Supervisors. Said standards shall apply, but not be limited, to the following design criteria; Design speed, horizontal alignment, maximum and minimum allowable grade, stub roads, drainage requirements, and street intersections.

(C) All streets shall, insofar as practicable, be in alignment with existing adjacent streets by continuation of the centerlines thereof, or by adjustments by curves, and shall be in general conformity with plans made for the most advantageous development of the area in which the division of land lies. Where a division of land adjoins acreage, provision shall be made for adequate street access thereto.

(D) When a State Highway or a street classified as a major arterial in the circulation element of the General Plan passes through or is contiguous with a division of land, direct access to the lots or parcels from the public highway will not be permitted. Reserve strips, where required to control access over certain lot lines or over the ends of street stubs shall be dedicated to the County.

(E) All streets shall be named and such names shall be subject to the approval of the Planning Commission. Duplication of existing names will not be allowed unless the street is an obvious extension of an existing street.

(F) Prior to the Final approval of the work, or the acceptance of the roads into the County Maintained System by Resolution of the Board of Supervisors, the Subdivider shall enter into an unconditional maintenance and repair agreement for said improvements. Said agreement shall be for a period not to exceed twenty-four (24) months. Said maintenance and repair agreement shall be secured by the necessary surety in the form and the amount as approved by the Board of Supervisors.

(G) When an existing County road provides access to, passes thru, or is contiguous with the proposed division of land, the Planning Commission may require improvements to be made to the County Road if such improvement is determined to be in the best public interest.

(H) The Planning Commission may require that a rough graded access be constructed to each lot or parcel within the division of land as a condition of the approval of a tentative map.

Sec. 17-54 PRIVATE ROADS.

(A) No private roads shall be permitted in any subdivision except where the Planning Commission and Board of Supervisors determine that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of Subdivision.

- (1) If the Subdivider desires to obtain concurrence from the Board of Supervisors of the Planning Commission's determination regarding the acceptability of private roads prior to submitting the final map for approval, he may do so by filing a written request with the Director of Planning within twenty (20) days of the Commission's action. The Director of Planning shall submit the request together with a report of the Planning Commission's findings to the Board of Supervisors for their consideration. The Board of Supervisors may, by minute order, concur with said action, concur conditionally, or overrule the findings and determinations of the Planning Commission.
- (2) Satisfactory provisions shall be made for a lot owner's association or other organization to assume responsibility for the maintenance of said private roads and ownership of the street right of ways. Said provisions for maintenance shall be subject to the approval of the Board of Supervisors.

(B) Private roads shall be improved to the following standards:

- (1) When any lot within the subdivision contains a gross area of 2.5 acres or less, the private roads shall be improved to full County Standards as established by this Chapter.
- (2) When the minimum lot size within the Subdivision is greater than 2.5 acres, but less than 10.0 acres, the private roads shall be improved to full County Standards as established by this Chapter; however, the surfacing may be a double bituminous chip seal in lieu of asphalt concrete.
- (3) When the minimum lot size within the subdivision is 10.0 acres or greater, the private roads shall be improved to full County Standards as established by this Chapter; however, the surfacing may be omitted and the base rock may consist of locally available material spread to a minimum thickness of four (4) inches.

(C) The Planning Commission and Board of Supervisors may require such guarantees and may impose such conditions as it deems necessary to carry out the provisions of this Chapter pertaining to private roads.

(D) Private roads and easements providing access to parcels within a parcel division shall be located and shown on the parcel map and improved as required by such standards as may be adopted by Resolution of the Board of Supervisors.

Sec. 17-55. WATER SUPPLY AND DISTRIBUTION SYSTEMS

(A) When any part of any proposed subdivision lies within five hundred (500) feet of any municipal, special district, or county system providing domestic water, water mains and services shall be installed to serve each lot in said subdivision and connected to such system, if approved by the governing body of such system. If the system or any part thereof is to be installed within the street right of way, the system location, including valve boxes, meter boxes, and fire hydrants and the system construction specifications shall be subject to the approval of the County Engineer.

Sec. 17-56. SANITARY SEWER SYSTEMS.

(A) When any part of any proposed subdivision lies within five hundred (500) feet of any municipal, special district, or county sewage disposal system providing sanitary sewer service and if a connection to said system is approved by the governing body of such system, sanitary sewer facilities including laterals shall be installed to serve each lot in said subdivision. If the system or any part thereof is to be installed within the street right of way, the system location and construction specifications shall be subject to the approval of the County Engineer.

Sec. 17-57. DRAINAGE AND WATER COURSES.

(A) The subdivider shall provide drainage systems within the division of land to carry storm run-off both tributary to and originating within the division of land as determined necessary by the County Engineer on the basis of information and recommendations provided by the Engineer for the subdivider. Said systems shall be located within drainage easements delineated on the final map or parcel map. Drainage easements shall be offered for dedication. The alignment of drainage easements shall conform to the meanderings of the natural water course or to the alignment approved for the drainage system. Width of drainage easements shall be that required to encompass the natural water course or drainage system in conformance with the minimum standards prescribed in Article VII of this Chapter.

(B) Drainage easements shall be provided for all natural water-courses.

(C) Where a division of land causes an increase in and the unnatural concentration of surface waters onto adjacent private and public property the subdivider shall obtain an easement for drainage purposes across such property sufficient in width and improved in a manner adequate to handle the runoff of such surface water to a satisfactory point of disposal. If the owner of such adjacent private property agrees to accept such increased runoff and unnatural concentration of surface water and such agreement has been recorded the easement referred to herein shall not be necessary.

Sec. 17-58. UTILITIES.

(A) Electricity and communication services, and gas services where available, shall be installed as part of the improvements within all subdivisions wherein the minimum lot size is 2.5 acres or less. This requirement may be waived by the Planning Commission if it can be found to be in the public interest not to install the utilities as part of the subdivision improvements.

Sec. 17-61. ALLEYS.

(A) When any lots or parcels are proposed for commercial or industrial usage, the subdivider may be required to dedicate and improve alleys at least twenty (20) feet wide at the rear of said lots or parcels with adequate ingress or egress for truck traffic.

Sec. 17-62. WALKWAYS.

(A) The subdivider may be required to dedicate and improve walkways at least ten (10) feet wide across long blocks, along streets where cuts or fills may preclude otherwise normal pedestrian traffic along the side of said street, and to provide access to schools, parks or other public areas.

Sec. 17-63. HAZARDOUS AREAS.

(A) Areas known to be dangerous by reason of geological conditions, unstable sub-surface conditions, groundwater or seepage conditions, flood hazard, periodic inundation, erosion by the ocean, or any other dangerous condition shall not be divided except under restrictions as to the use of all or any part thereof to insure the safety and well being of the public.

Sec. 17-64. FIRE PROTECTION FEATURES.

(A) In areas where the qualified fire officer is of the opinion there will be a fire hazard to the acreage surrounding the division of land or to the lots or parcels within the division of land, adequate fire protection features, including but not limited to access roads, fire breaks, and accessibility to sufficient and available water, shall be provided within or without the division of land.

Sec. 17-65. OCEAN AND LAKE ACCESS—EXPRESS DEDICATION

(A) In any proposed subdivision, parcel division, or other division resulting in the creation of three (3) or more lots or parcels coming within the provisions of this chapter, there shall be offered for dedication whatever public access is required for subdivisions by Sections 11610.5 and 11610.7 of the Map Act and by Sections 10020 through 10022 of the Public Resources Code. For such divisions, the Planning Director shall, prior to action by the Planning Commission on the tentative map, conduct an investigation and render to the Commission a report stating his opinion as to what should be reasonable access and the governmental entity or entities operating within the County to which the proposed offer of dedication is to be made. (Ord. No. 969, adopted 1972.)

ARTICLE VIII—IMPROVEMENT STANDARDS**Sec. 17-66.**

STREET AND DRAINAGE IMPROVEMENTS. The design and construction of street and drainage improvements within divisions of land shall conform with such standards as may be adopted by Resolution of the Board of Supervisors of Mendocino County.

Sec. 17-67.

WATER SUPPLY AND DISTRIBUTION SYSTEMS. The design and construction of water supply and distribution systems to serve a division of land shall conform with such standards as may be adopted by Resolution of the Board of Supervisors of Mendocino County.

Sec. 17-68.

SANITARY SEWER SYSTEMS. The design and construction of sanitary sewer systems and treatment facilities to serve a division of land shall conform with such standards as may be adopted by Resolution of the Board of Supervisors of Mendocino County.

Sec. 17-69.

FIRE PROTECTION FEATURES. Fire protection features shall be provided within divisions of land in accordance with such standards as may be adopted by Resolution of the Board of Supervisors of Mendocino County.

Sec. 17-70.

GENERAL. If standards, as referred to above, have not been adopted by Resolution of the Board of Supervisors, sound and accepted engineering practices shall be complied with. Standards adopted by Resolution of the Board of Supervisors shall be in full force and effect thirty (30) days after adoption thereof.

Sec. 17-71.

INSPECTION. All improvements within a division of land shall be installed under the supervision of, and shall meet the approval of, the County Engineer or his duly authorized representative. In the event that the County Engineer or his authorized agent shall determine that such work is not proceeding pursuant to approved plans and specifications, he shall order such work stopped, and shall inform the subdivider of the reasons therefore and the corrective measures necessary to resume work. Any improvement work done after a stop-order has been issued, as herein provided, shall be deemed to be a violation of this Chapter.

Sec. 17-72.

MONUMENTATION. All monuments set in connection with the survey for a division of land shall conform with the provisions of the land Surveyors Act of the State of California and the following standards.

- (A) A permanent ferrous monument shall be set at all angle points of the exterior boundary of the division of land.

- (B) Except in the case of a parcel division or minor division creating parcels each with a gross area of twenty (20) acres or more, a permanent ferrous monument shall be set at all parcel and lot corners and at the beginning and ending of all property line curves.
- (C) In the case of a parcel division or minor division creating parcels each with a gross area of twenty (20) acres or more, a permanent ferrous monument shall be set at the major parcel corners and at the intersection of all property lines with the side lines of all street easements.
- (D) When concrete curb and gutters are proposed or required to be constructed as part of the subdivision improvements a permanent survey monument approved by the County Surveyor shall be set at the intersections of all street centerlines.
- (E) If the exterior boundary of the division of land or any lot or parcel line is at a location which makes it impractical to set a monument, a reference monument shall be set in a manner and location satisfactory to the County Surveyor.
- (F) The exterior boundary of the land being subdivided shall be completely monumented or referenced before the final map or parcel map is submitted to the County Surveyor for filing. Interior monuments need not be set at the time the final map or parcel map is filed if the Engineer or Surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the Board of Supervisors a bond, instrument of credit, or cash deposit guaranteeing the payment of the cost of setting the monuments in accordance with the provisions of Section 11592 of the Map Act.

ARTICLE VIII

AGREEMENTS AND BONDS FOR IMPROVEMENTS

Sec. 17 - 73. Requirement Of Subdivision Improvement Agreement.

If any improvement required by this Chapter, by the Planning Commission as a condition of approval of the tentative map, by the Board of Supervisors, or by law is not completed to the satisfaction of the County Engineer at the time the final map is submitted to the Board of Supervisors for approval, the subdivider shall execute and file a subdivision improvement agreement between himself and the County.

Sec. 17 - 74. Contents of Agreement.

Said subdivision improvement agreement shall:

- (A) Specify the period which all improvement work shall be completed to the satisfaction of the County Engineer.

- (B) Provide that if subdivider fails to complete such work within the specified period, that the County may elect to complete same and recover the full cost and expense thereof from the subdivider or his surety. Said costs and expenses shall be recorded as a lien against all lots and parcels within the division of land.
- (C) Require that the subdivider, to assure his full and faithful performance pursuant to the agreement, provide a bond in such sum as is sufficient to cover the cost of said improvements. The amount of said bond shall be based on an approved engineer's estimate of cost plus a 15% contingency.
- (D) Provide for the following bonds:
 - (1) 100% Faithful Performance Bond.
 - (2) 50% Labor and Materials Bond.
 - (3) 100% Survey Monumentation Bond.

Such bonds shall be executed by a surety company authorized to transact a surety business in the State of California and must be approved as to form and sufficiency by the Board of Supervisors. In lieu of said bonds, the subdivider may deposit cash, certified or cashier's check or instrument of credit, with the Board of Supervisors.

- (E) Provide that the materials and labor bond shall not be released until the lapse of six (6) months after the final acceptance of all work covered by the agreement with the Board of Supervisors.
- (F) Require that if street improvements are to be accepted into the County Maintained System, the subdivider shall enter into an unconditional maintenance and repair agreement for said street improvements as follows:
 - (1) Said maintenance and repair agreement shall be for a period not to exceed twenty-four (24) months.
 - (2) Said agreement shall commence upon the completion of all subdivision improvements but in not case prior to the effective release of the faithful performance bonds.
 - (3) Said agreement shall be secured by the necessary surety, bond, cash deposit, certified or cashier's check or instrument of credit in the form and the amount as approved by the Board of Supervisors; said amount shall be not less than five (5) percent of the estimated cost of street improvements.
- (G) Conform with all applicable provisions of state law and this Chapter.

Sec. 17 - 75.

Additional Terms.

The agreement may also provide for, but not limited to, the following:

- (A) Construction of improvements in units.



- (B) An extension of time under conditions therein specified.
- (C) Progress payments to the subdivider from any deposit money which the subdivider may have filed in lieu of a surety bond, however, no such progress payment or release of surety shall be construed to be an acceptance of any part or portion of the required improvements, or the acceptance of any defective work or improper materials.

Sec. 17 - 76. Progress Payments, Releases, and Time Extensions.

Progress payments, surety releases, and extensions of time in which the subdivider may complete the work required by the subdivision improvement agreement shall be granted only upon the following terms and only upon the condition that such will not in any way constitute acceptance, whether partial or total, of any improvement:

- (A) Progress Payments and Releases. No progress payments or release of any surety bond shall be made except upon certification by the County Engineer that the work required in order to qualify for such payment or release has been satisfactorily completed and not then until approval of the Board of Supervisors by a four-fifths vote.
- (B) Time Extensions. No extension of time shall be made except upon (1) the recommendation of the County Engineer, said recommendation to include a finding that the subdivider is proceeding to do the work required with all reasonable diligence and has given satisfactory evidence of being able and willing to complete all of the work required within the time contemplated by the requested extension, (2) written approval by sureties agreeing to extend for the additional period of time at the original amount of the bond, or, if recommended by the County Engineer, at an increased amount, and (3) the approval of the Board of Supervisors by a four-fifths vote. The Board may, as consideration for granting a time extension, require the subdivider to agree to comply with whatever additional requirements the Board deems reasonable to protect the public interest.

Sec. 17 - 77. Acceptance Not Evidence of Performance or Partial Acceptance.

No certificate given, progress payment made or release of any surety, except the final certificate of acceptance, shall be considered as any evidence of the performance of the agreement either wholly or in part. There will be no partial acceptance of any improvements.

Sec. 17 - 78. Inspection and Maintenance Agreement.

Prior to the final approval of the improvement work by the Board of Supervisors:

- (A) The unconditional maintenance and repair agreement must be entered into.
- (B) Two (2) members of the Board, to be appointed by the Chairman from districts other than that in which the work is being done, shall inspect same with the County Engineer or his duly authorized representative and shall report their findings and recommendations to the Board in written form.
- (C) The County Engineer shall submit a statement that the work has been completed in substantial compliance with the plans and specifications.

ARTICLE IX - FEES

Sec. 17 - 79.

TENTATIVE MAP FILING FEE. Every subdivider shall, at the time of filing a tentative map of a subdivision or parcel division, pay to the County a filing fee of Fifty Dollars (\$50.00) for each such division plus One Dollar (\$1.00) for each lot up to and including 500 lots, plus Fifty cents (\$.50) for each and every lot over 500 lots. The fee for filing a tentative map of a minor division shall be Fifteen Dollars (\$15.00).

- (A) The fee shall be paid at the office of the Planning Department. If, after approval of a tentative map, revisions of the initial map is filed covering the same land, each filing shall be considered to cause a new division of land. The filing fee for a revised map of a subdivision or a parcel division shall be 25 percent of the original filing fee, provided the number of proposed lots is not increased by more than twenty-five percent (25%) and provided that a minimum fee is paid of Fifty Dollars (\$50.00). If the number of lots is increased by more than Twenty-five percent (25%), a full filing fee shall be paid. The filing fee for a revised map of a minor division shall be Five Dollars (\$5.00). No refund shall be made of any of the foregoing filing fees

Sec. 17-80.

FINAL MAP FILING FEE. Before acceptance for examination and checking of a final subdivision map by the Department of Public Works, said department shall charge and collect a fee of Fifty Dollars (\$50.00) for each and every map submitted plus One Dollar (\$1.00) for each lot up to and including 100 lots, plus Fifty Cents (\$.50) for each lot over 100 lots.

Sec. 17-81.

REVERSION TO ACREAGE FILING FEE. When the map is for the purpose of reverting subdivided land to acreage the fee for submitting such map shall be Fifty Dollars (\$50.00) plus One Dollar (\$1.00) for each acre or portion thereof shown on said map. The maximum fee shall not exceed One Hundred Dollars (\$100.00). Such fees shall be paid to the Department of

Sec. 17-82.

PARCEL MAP FILING FEE. Before acceptance of a parcel map for examination and checking by the Department of Public Works, said Department shall charge and collect a fee of Twenty-five Dollars (\$25.00) for each and every map submitted plus Ten Dollars (\$10.00) for each sheet of said map.

Sec. 17-83.

IMPROVEMENT PLAN-SPECIFICATION CHECKING AND CONSTRUCTION INSPECTION FEE. When certain improvements are required as a condition of approval of the tentative map, before submitting the final map to the Board of Supervisors for filing with the County Recorder or allowing work to commence, the Department of Public Works shall charge and collect a fee in the amount equal to three percent (3%) of the approved Engineer's estimate of construction costs for all road and appurtenant road facility improvements. Said fee shall be based upon a detailed engineer's cost estimate as prepared by the developer's engineer and approved by the Director of Public Works.

Sec. 17-84.

NO REFUND. No refund shall be made of any filing, checking, or inspection fee. The foregoing fees are hereby found necessary to defray the expenses incurred in connection with the development of land within the unincorporated areas of Mendocino County incidental to the processing and checking of tentative maps, final subdivision maps, reversion to acreage maps, parcel maps, and record of survey maps, together with the checking of subdivision improvement plans and the inspection of subdivision improvement construction.

Sec. 17-85.

A MENDMENT OF FEES BY RESOLUTION. The fees required in this article may be amended from time to time by resolution of the Board of Supervisors upon written request of the Department of Public Works. Copies of the current resolution shall be made available upon request to any person required to file a fee under this article.

ARTICLE X – VARIANCES**Sec. 17-86.**

APPLICATION. The Planning Commission may recommend that the Board of Supervisors authorize conditional variances to any of the requirements and regulations set forth in this Chapter. Application for any such variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the division of land. In order for such a variance to be granted, it shall be necessary that the Planning Commission find the following facts with respect thereto:

- (A) That there are special circumstances or conditions affecting the lands proposed for division, and
- (B) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the land proposed for division is situated.

Sec. 17-87. PLANNING COMMISSION ACTION

(A) In recommending such variances, the Planning Commission shall secure substantially the objectives of the regulations for which variances are requested and shall act to protect the public health, safety, convenience and general welfare.

(B) In recommending the authorization of any variance under the provisions of this section, the Planning Commission shall report to the Board of Supervisors its findings with respect thereto and all facts in connection therewith and shall specifically and fully set forth the variance recommended and the conditions designated.

(C) If the Planning Commission approves a tentative map, it shall do subject to the confirmation of the Board of Supervisors of the Commission's action with respect to any variance recommended.

Sec. 17-88. BOARD OF SUPERVISORS ACTION

(A) Upon receipt of the Planning Commission Report, the Board of Supervisors shall review the matter, and, if it agrees with the recommendation of the Planning Commission, shall confirm by resolution the Commission's action with respect to the variances and shall impose whatever conditions it determines are necessary to substantially secure the objectives of this Chapter. failure to confirm shall constitute a denial of that variances.

ARTICLE XI – APPEAL

Sec. 17 - 89.

NOTICE. Request for hearing may be made by the subdivider or any interested person from any decision, determination, or requirement of the Planning Commission or County Surveyor by filing a notice thereof in writing with the County Clerk within fifteen (15) days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the grounds upon which the subdivider or interested person deems himself aggrieved. (Ord. No. 969, adopted 1972.)

Sec. 17-90.

REPORT. The County Clerk shall report the filing of such notice to the Director of Planning and to the County Surveyor. A written report that includes the findings of the Planning Commission or County Surveyor in the matter requested for hearing shall be submitted to the Board of Supervisors. (Ord. No. 969, adopted 1972.)

Sec. 17 - 91. HEARING

(A) The Board of Supervisors, within fifteen (15) days following the filing of the notice of request for hearing, or at its next regularly scheduled meeting, shall hold a public hearing thereon.

(B) Such hearing may for good cause be continued by order of the Board of Supervisors, with consent of the subdivider, for a period not exceeding thirty (30) days.

(C) Upon the conclusion of the hearing, the Board of Supervisors shall within seven (7) days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject, or overrule the decision, determination, or requirement specified as a ground for grievance in the notice of request for hearing and may make such findings as are not inconsistent with the provisions of this chapter and the Map Act.

(D) Whenever a request for hearing pertains to a subdivision or parcel division subject to a determination as to the applicability of the seven findings set forth in Section 17-41 (N), supra, the Board of Supervisors shall disapprove and otherwise deny approval of maps pertaining to any such subdivision or parcel division if it makes any of said findings in relation thereto. (Ord. No. 969, adopted 1972.)

ARTICLE XII — PENALTIES

Sec. 17-92.

Any person, firm, corporation, partnership or co-partnership who wilfully violates any of the provisions or fails to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for not to exceed six (6) months or by both fine and imprisonment; provided however, that nothing herein contained shall be deemed to bar any legal equitable or summary remedy to which the County of Mendocino or other political subdivision, or any person, firm, corporation, partnership or co-partnership may otherwise be entitled, and the County of Mendocino or any other political subdivision or person, firm, corporation, partnership or co-partnership may file a suit in the Superior Court of the County of Mendocino to restrain to enjoin any attempted or proposed division of land or sale in violation of this Chapter.

ARTICLE XIII — SEVERABILITY

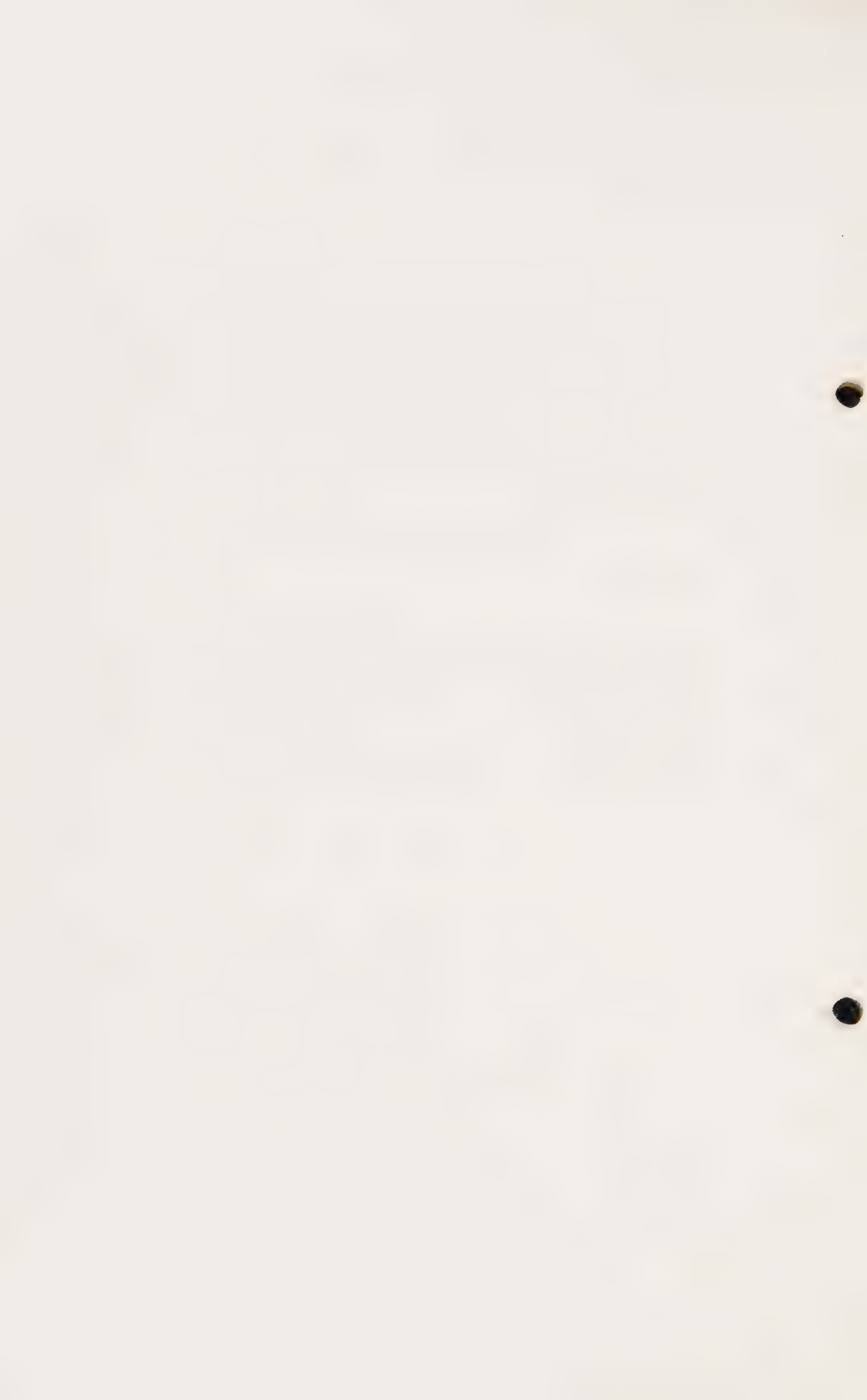
Sec. 17-93.

(A) If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, which is reasonably separable from the remaining portion of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, it being herein expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional.

ARTICLE XIV — BUILDING AND HEALTH PERMITS FOR ILLEGAL LOTS

Sec. 17-94. Land Division Violation Committee

There is hereby created a committee to be known as the Land Division Violation Committee and to be made up of the Director of Public Works, the Director of Planning, the County Health Officer, and the County Building Inspector. This committee shall review all applications for permits from the Building Department and Health Department which the Building Inspector or Health Officer have determined to pertain to parcels of land which there is reasonable ground to believe have been divided in violation of this chapter. This committee shall have the power to require maps and other information reasonably necessary to determine whether a violation has in fact occurred and shall have the power to grant or deny the permit applied for. This committee shall determine what conditions and improvements are reasonably required in the public interest and for the protection of an applicant's property and of neighboring property. This committee shall establish its own rules of procedure. (Ord. No. 773, adopted 1972.)



Sec. 17-95. Building and Health Permits.

Whenever an application is made for a building permit or a permit issued by the Health Department, the Building Inspector or the Health Officer, as the case may be, shall review the application to determine whether the parcel of land for which the permit is applied for has been divided in violation of this chapter. If reasonable grounds exist to believe that such a violation has occurred, the permit applied for shall not be issued until the matter has been reviewed by the Land Division Violation Committee and the appropriate conditions imposed. (Ord. No. 773, adopted 1971.)

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